

**OPIATE OVERDOSE RESPONSE ACT -- OVERDOSE
OUTREACH PROVIDERS AND OTHER AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Brian E. Shiozawa

Cosponsors:	Sandra Hollins	Marie H. Poulson
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LONG TITLE

General Description:

This bill renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act, amends the act, and makes related amendments.

Highlighted Provisions:

This bill:

- ▶ renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act;
- ▶ amends definitions;
- ▶ amends civil liability provisions;
- ▶ authorizes an overdose outreach provider to furnish an opiate antagonist without civil liability;
- ▶ requires an overdose outreach provider to furnish instruction on how to recognize and respond appropriately to an opiate-related drug overdose event;
- ▶ exempts an overdose outreach provider from licensure under the Pharmacy Practice Act;
- ▶ specifies that the prescribing or dispensing of an opiate antagonist by a dentist is not

29 unprofessional or unlawful conduct; and

30 ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides coordination clauses.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **26-55-101**, as enacted by Laws of Utah 2014, Chapter 130

38 **26-55-102**, as enacted by Laws of Utah 2014, Chapter 130

39 **26-55-104**, as enacted by Laws of Utah 2014, Chapter 130

40 **58-17b-309**, as last amended by Laws of Utah 2015, Chapter 206

41 **58-17b-507**, as enacted by Laws of Utah 2014, Chapter 130

42 **58-31b-703**, as enacted by Laws of Utah 2014, Chapter 130

43 **58-67-702**, as enacted by Laws of Utah 2014, Chapter 130

44 **58-68-702**, as enacted by Laws of Utah 2014, Chapter 130

45 **58-70a-505**, as enacted by Laws of Utah 2014, Chapter 130

46 ENACTS:

47 **26-55-105**, Utah Code Annotated 1953

48 **58-69-702**, Utah Code Annotated 1953

49 **Utah Code Sections Affected by Coordination Clause:**

50 **26-55-104**, as enacted by Laws of Utah 2014, Chapter 130

51 **26-55-105**, Utah Code Annotated 1953

52 **26-55-106**, Utah Code Annotated 1953

53 **26-55-107**, Utah Code Annotated 1953

54 **58-17b-507**, as enacted by Laws of Utah 2014, Chapter 130

55 **58-31b-703**, as enacted by Laws of Utah 2014, Chapter 130

56 **58-67-702**, as enacted by Laws of Utah 2014, Chapter 130

57 [58-68-702](#), as enacted by Laws of Utah 2014, Chapter 130

58 [58-69-702](#), Utah Code Annotated 1953

59 [58-70a-505](#), as enacted by Laws of Utah 2014, Chapter 130

60

61 *Be it enacted by the Legislature of the state of Utah:*

62 Section 1. Section **26-55-101** is amended to read:

63 **CHAPTER 55. OPIATE OVERDOSE RESPONSE ACT**

64 **26-55-101. Title.**

65 This chapter is known as the "[~~Emergency Administration of~~] Opiate [~~Antagonist~~]
66 Overdose Response Act."

67 Section 2. Section **26-55-102** is amended to read:

68 **26-55-102. Definitions.**

69 As used in this chapter:

70 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
71 37, Utah Controlled Substances Act.

72 (2) "Dispense" means the same as that term is defined in Section [58-17b-102](#).

73 [(+)] (3) "Health care facility" means a hospital, a hospice inpatient residence, a
74 nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides
75 home- and community-based services, a hospice or home health care agency, or another facility
76 that provides or contracts to provide health care services, which facility is licensed under
77 Chapter 21, Health Care Facility Licensing and Inspection Act.

78 [(2)] (4) "Health care provider" means:

79 (a) a physician₂, as defined in Section [58-67-102](#);

80 (b) an advanced practice registered nurse₂, as defined in Subsection [58-31b-102](#)(13);

81 [or]

82 (c) a physician assistant₂, as defined in Section [58-70a-102](#); or

83 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
84 [58-69-102](#).

85 (5) "Increased risk" means risk exceeding the risk typically experienced by an
86 individual who is not using, and is not likely to use, an opiate.

87 (6) "Local health department" means:

88 (a) a local health department, as defined in Section 26A-1-102; or

89 (b) a multicounty local health department, as defined in Section 26A-1-102.

90 ~~(3)~~ (7) "Opiate" [is as] means the same as that term is defined in Section 58-37-2.

91 ~~(4)~~ (8) "Opiate antagonist" means naloxone hydrochloride or any similarly acting
92 drug that is not a controlled substance and that is approved by the federal Food and Drug
93 Administration for the diagnosis or treatment of [a] an opiate-related drug overdose.

94 ~~(5)~~ (9) "Opiate-related drug overdose event" means an acute condition, including a
95 decreased level of consciousness or respiratory depression resulting from the consumption or
96 use of a controlled substance, or another substance with which a controlled substance was
97 combined, and that a person would reasonably believe to require medical assistance.

98 (10) "Overdose outreach provider" means:

99 (a) a law enforcement agency;

100 (b) a fire department;

101 (c) an emergency medical service provider, as defined in Section 26-8a-102;

102 (d) emergency medical service personnel, as defined in Section 26-8a-102;

103 (e) an organization providing treatment or recovery services for drug or alcohol use;

104 (f) an organization providing support services for an individual, or a family of an
105 individual, with a substance use disorder;

106 (g) an organization providing substance use or mental health services under contract
107 with a local substance abuse authority, as defined in Section 62A-15-102, or a local mental
108 health authority, as defined in Section 62A-15-102;

109 (h) an organization providing services to the homeless;

110 (i) a local health department; or

111 (j) an individual.

112 (11) "Patient counseling" means the same as that term is defined in Section

113 [58-17b-102.](#)

114 (12) "Pharmacist" means the same as that term is defined in Section [58-17b-102.](#)

115 (13) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102.](#)

116 (14) "Prescribe" means the same as that term is defined in Section [58-17b-102.](#)

117 Section 3. Section **26-55-104** is amended to read:

118 **26-55-104. Prescribing, dispensing, and administering an opiate antagonist --**
119 **Immunity from liability.**

120 (1) (a) Except as provided in Subsection (1)(b), a person ~~[other than], including an~~
121 ~~overdose outreach provider, but not including~~ a health care facility or health care provider,
122 ~~[who] that~~ acts in good faith to administer an opiate antagonist to ~~[another person]~~ an
123 individual whom the person believes to be ~~[suffering]~~ experiencing an opiate-related drug
124 overdose event is not liable for any civil damages ~~[or]~~ for acts or omissions made as a result of
125 administering the opiate antagonist.

126 (b) A health care provider:

127 (i) does not have immunity from liability under Subsection (1)(a) when the health care
128 provider is acting within the scope of the health care provider's responsibilities or duty of care;
129 and

130 (ii) does have immunity from liability under Subsection (1)(a) if the health care
131 provider is under no legal duty to respond and otherwise complies with Subsection (1)(a).

132 (2) Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#), a health care
133 provider who is licensed to prescribe ~~[or dispense]~~ an opiate antagonist may~~[-without a~~
134 ~~prescriber-patient relationship,]~~ prescribe or dispense an opiate antagonist ~~[without liability for~~
135 ~~any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate~~
136 ~~antagonist in good faith, to]:~~

137 (a) (i) to an individual who is at increased risk of experiencing ~~[or who is likely to~~
138 ~~experience]~~ an opiate-related drug overdose event; ~~[or]~~

139 ~~[(b)]~~ (ii) to a family member of, friend of, or other [person] individual who ~~[may be]~~ is
140 in a position to assist an individual who ~~[may be]~~ is at increased risk of experiencing ~~[or who is~~

141 likely to experience] an opiate-related drug overdose event; or

142 (iii) to an overdose outreach provider for:

143 (A) furnishing to an individual under Subsection (2)(a)(i) or (2)(a)(ii), as provided in
144 Section 26-55-105; or

145 (B) administering to an individual experiencing an opiate-related drug overdose event;

146 (b) without a prescriber-patient relationship; and

147 (c) without liability for any civil damages for acts or omissions made as a result of
148 prescribing or dispensing the opiate antagonist in good faith.

149 (3) A ~~[person]~~ health care provider who ~~[prescribes or]~~ dispenses an opiate antagonist
150 to an individual or an overdose outreach provider under Subsection (2)(a) shall provide
151 education to the individual ~~[described in Subsection (2)(a) or (b)]~~ or overdose provider that
152 includes ~~[instructions to take the person who received the opiate antagonist to an emergency~~
153 ~~care facility for a medical evaluation:]~~ written instruction on how to:

154 (a) recognize an opiate-related drug overdose event; and

155 (b) respond appropriately to an opiate-related drug overdose event, including how to:

156 (i) administer an opiate antagonist; and

157 (ii) ensure that an individual to whom an opiate antagonist has been administered
158 receives, as soon as possible, additional medical care and a medical evaluation.

159 Section 4. Section **26-55-105** is enacted to read:

160 **26-55-105. Overdose outreach providers.**

161 Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502:

162 (1) an overdose outreach provider may:

163 (a) obtain an opiate antagonist dispensed on prescription by:

164 (i) a health care provider, in accordance with Subsections 26-55-104(2) and (3); or

165 (ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,
166 Pharmacy Practice Act;

167 (b) store the opiate antagonist; and

168 (c) furnish the opiate antagonist;

169 (i) (A) to an individual who is at increased risk of experiencing an opiate-related drug
170 overdose event; or

171 (B) to a family member of, friend of, or other individual who is in a position to assist
172 an individual who is at increased risk of experiencing an opiate-related drug overdose event;
173 and

174 (ii) without liability for any civil damages for acts or omissions made as a result of
175 furnishing the opiate antagonist in good faith; and

176 (2) when furnishing an opiate antagonist under Subsection (1), an overdose outreach
177 provider:

178 (a) shall also furnish to the recipient of the opiate antagonist:

179 (i) the written instruction under Subsection [26-55-104\(3\)](#) received by the overdose
180 outreach provider from the health care provider at the time the opiate antagonist was dispensed
181 to the overdose outreach provider; or

182 (ii) if the opiate antagonist was dispensed to the overdose outreach provider by a
183 pharmacist or pharmacy intern, any written patient counseling under Section [58-17b-613](#)
184 received by the overdose outreach provider at the time of dispensing; and

185 (b) may provide additional instruction on how to recognize and respond appropriately
186 to an opiate-related drug overdose event.

187 Section 5. Section **58-17b-309** is amended to read:

188 **58-17b-309. Exemptions from licensure.**

189 In addition to the exemptions from licensure in Section [58-1-307](#), the following
190 individuals may engage in the acts or practices described in this section without being licensed
191 under this chapter:

192 (1) a person selling or providing contact lenses in accordance with Section [58-16a-801](#);
193 [and]

194 (2) an animal shelter that:

195 (a) under the indirect supervision of a veterinarian, stores, handles, or administers a
196 drug used for euthanising an animal; and

197 (b) under the indirect supervision of a veterinarian who is under contract with the
198 animal shelter, stores, handles, or administers a rabies vaccine; and

199 (3) an overdose outreach provider, as defined in Section 26-55-102, that obtains,
200 stores, or furnishes an opiate antagonist in accordance with Title 26, Chapter 55, Opiate
201 Overdose Response Act.

202 Section 6. Section 58-17b-507 is amended to read:

203 **58-17b-507. Opiate antagonist -- Immunity from liability -- Exclusion from**
204 **unlawful or unprofessional conduct.**

205 (1) As used in this section:

206 (a) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.

207 (b) "Opiate-related drug overdose event" means the same as that term is defined in
208 Section 26-55-102.

209 (2) A person licensed under this chapter [who] that dispenses an opiate antagonist [as
210 defined in Section 26-55-102] to an individual with a prescription for an opiate antagonist, or
211 to an overdose outreach provider with a prescription for an opiate antagonist, is not liable for
212 any civil damages resulting from the outcomes [that result from] of the eventual administration
213 of the opiate antagonist to [a person] an individual who another [person] individual believes is
214 [suffering] experiencing an opiate-related drug overdose [as defined in Section 26-55-102]
215 event.

216 [(2)] (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose
217 Response Act, do not establish a duty or standard of care in the prescribing, dispensing, or
218 administration of an opiate antagonist.

219 [(3)] (4) It is not unprofessional conduct or unlawful conduct for a licensee under this
220 chapter to dispense an opiate antagonist to [a person] an individual on behalf of another
221 [person] individual if the [person] individual obtaining the opiate antagonist has a prescription
222 for the opiate antagonist from a licensed prescriber.

223 (5) It is not unprofessional conduct or unlawful conduct for a licensee under this
224 chapter to dispense an opiate antagonist to an overdose outreach provider if the overdose

225 outreach provider has a prescription for the opiate antagonist from a licensed prescriber issued
226 pursuant to Subsection 26-55-104(2)(a)(iii).

227 Section 7. Section **58-31b-703** is amended to read:

228 **58-31b-703. Opiate antagonist -- Exclusion from unprofessional or unlawful**
229 **conduct.**

230 [~~(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies~~
231 ~~to a licensee under this chapter.~~]

232 (1) As used in this section:

233 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.

234 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.

235 (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.

236 (d) "Opiate-related drug overdose event" means the same as that term is defined in
237 Section 26-55-102.

238 (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.

239 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
240 ~~26-55-102~~] by a licensee under this chapter is not unprofessional or unlawful conduct if the
241 licensee prescribed or dispensed the opiate antagonist:

242 (a) in a good faith effort to assist:

243 [~~a person~~] (i) an individual who is at increased risk of experiencing [~~or who is~~
244 ~~likely to experience~~] an opiate-related drug overdose event [~~as defined in Section 26-55-102~~];
245 or

246 [~~(b)~~] (ii) a family member of, friend of, or other [person] individual who is in a
247 position to assist [~~a person~~] an individual who [~~may be~~] is at increased risk of experiencing [~~or~~
248 ~~who is likely to experience~~] an opiate-related drug overdose event; or

249 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).

250 (3) The provisions of this section and Title 26, Chapter 55, [~~Emergency Administration~~
251 ~~of~~] Opiate [~~Antagonist~~] Overdose Response Act, do not establish a duty or standard of care in
252 the prescribing, dispensing, or administration of an opiate antagonist.

253 Section 8. Section **58-67-702** is amended to read:

254 **58-67-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**
255 **conduct.**

256 [~~(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies~~
257 ~~to a licensee under this chapter.~~]

258 (1) As used in this section:

259 (a) "Dispense" means the same as that term is defined in Section [58-17b-102](#).

260 (b) "Increased risk" means the same as that term is defined in Section [26-55-102](#).

261 (c) "Opiate antagonist" means the same as that term is defined in Section [26-55-102](#).

262 (d) "Opiate-related drug overdose event" means the same as that term is defined in
263 Section [26-55-102](#).

264 (e) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

265 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
266 ~~[26-55-102](#)~~] by a licensee under this chapter is not unprofessional or unlawful conduct if the
267 licensee prescribed or dispensed the opiate antagonist:

268 (a) in a good faith effort to assist:

269 [~~a person~~] (i) an individual who is at increased risk of experiencing [~~or who is~~
270 ~~likely to experience~~] an opiate-related drug overdose event [~~as defined in Section [26-55-102](#)~~];

271 or

272 [~~b~~] (ii) a family member of, friend of, or other [~~person~~] individual who is in a
273 position to assist [~~a person~~] an individual who [~~may be~~] is at increased risk of experiencing [~~or~~
274 ~~who is likely to experience~~] an opiate-related drug overdose event; or

275 (b) to an overdose outreach provider pursuant to Subsection [26-55-104\(2\)\(a\)\(iii\)](#).

276 (3) The provisions of this section and Title 26, Chapter 55, [~~Emergency Administration~~
277 ~~of~~] Opiate [~~Antagonist~~] Overdose Response Act, do not establish a duty or standard of care in
278 the prescribing, dispensing, or administration of an opiate antagonist.

279 Section 9. Section **58-68-702** is amended to read:

280 **58-68-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**

281 **conduct.**

282 ~~[(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies~~
283 ~~to a licensee under this chapter.]~~

284 (1) As used in this section:

285 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.

286 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.

287 (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.

288 (d) "Opiate-related drug overdose event" means the same as that term is defined in
289 Section 26-55-102.

290 (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.

291 (2) The prescribing or dispensing of an opiate antagonist ~~[as defined in Section~~
292 ~~26-55-102]~~ by a licensee under this chapter is not unprofessional or unlawful conduct if the
293 licensee prescribed or dispensed the opiate antagonist:

294 (a) in a good faith effort to assist:

295 ~~[(a) a person]~~ (i) an individual who is at increased risk of experiencing ~~[or who is~~
296 ~~likely to experience]~~ an opiate-related drug overdose event ~~[as defined in Section 26-55-102];~~

297 or

298 ~~[(b)]~~ (ii) a family member of, friend of, or other [person] individual who is in a
299 position to assist ~~[a person]~~ an individual who ~~[may be]~~ is at increased risk of experiencing ~~[or~~
300 ~~who is likely to experience]~~ an opiate-related drug overdose event; or

301 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).

302 (3) The provisions of this section and Title 26, Chapter 55, ~~[Emergency Administration~~
303 ~~of] Opiate [Antagonist] Overdose Response Act~~, do not establish a duty or standard of care in
304 the prescribing, dispensing, or administration of an opiate antagonist.

305 Section 10. Section 58-69-702 is enacted to read:

306 **58-69-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**

307 **conduct.**

308 (1) As used in this section:

- 309 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 310 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.
- 311 (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
- 312 (d) "Opiate-related drug overdose event" means the same as that term is defined in
- 313 Section 26-55-102.

- 314 (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 315 (2) The prescribing or dispensing of an opiate antagonist by an individual licensed
- 316 under this chapter to engage in the practice of dentistry is not unprofessional or unlawful
- 317 conduct if the licensee prescribed or dispensed the opiate antagonist:

- 318 (a) in a good faith effort to assist:
- 319 (i) an individual who is at increased risk of experiencing an opiate-related drug
- 320 overdose event; or
- 321 (ii) a family member of, friend of, or other individual who is in a position to assist an
- 322 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

- 323 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).
- 324 (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response
- 325 Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration
- 326 of an opiate antagonist.

327 Section 11. Section **58-70a-505** is amended to read:

328 **58-70a-505. Opiate antagonist -- Exclusion from unlawful or unprofessional**
329 **conduct.**

330 [~~(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies~~
331 ~~to a licensee under this chapter.~~]

- 332 (1) As used in this section:
- 333 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 334 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.
- 335 (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
- 336 (d) "Opiate-related drug overdose event" means the same as that term is defined in

337 Section 26-55-102.

338 (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.

339 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
340 26-55-102] by a licensee under this chapter is not unprofessional or unlawful conduct if the
341 licensee prescribed or dispensed the opiate antagonist:

342 (a) in a good faith effort to assist:

343 [~~(a) a person~~] (i) an individual who is at increased risk of experiencing [~~or who is~~
344 likely to experience] an opiate-related drug overdose event [~~as defined in Section 26-55-102~~];

345 or

346 [~~(b)~~] (ii) a family member of, friend of, or other [~~person~~] individual who is in a
347 position to assist [~~a person~~] an individual who [~~may be~~] is at increased risk of experiencing [~~or~~
348 who is likely to experience] an opiate-related drug overdose event; or

349 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).

350 (3) The provisions of this section and Title 26, Chapter 55, [~~Emergency Administration~~
351 of] Opiate [~~Antagonist~~] Overdose Response Act, do not establish a duty or standard of care in
352 the prescribing, dispensing, or administration of an opiate antagonist.

353 Section 12. **Coordinating H.B. 238 with H.B. 240 -- Substantive and technical**
354 **amendments.**

355 If this H.B. 238 and H.B. 240, Opiate Overdose Response Act -- Standing Orders and
356 Other Amendments, both pass and become law, it is the intent of the Legislature that the Office
357 of Legislative Research and General Counsel prepare the Utah Code database for publication
358 by:

359 (1) renumbering Section 26-55-105 enacted in H.B. 238 to Section 26-55-106 and
360 renumbering cross references accordingly;

361 (2) modifying Subsection 26-55-104(2) to read:

362 "(2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care
363 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
364 standing prescription drug order issued in accordance with Subsection 26-55-105(2), or

365 dispense an opiate antagonist:

366 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug
367 overdose event;

368 (ii) to a family member of, friend of, or other individual who is in a position to assist
369 an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

370 (iii) to an overdose outreach provider for:

371 (A) furnishing to an individual under Subsection (2)(a)(i) or (2)(a)(ii), as provided in
372 Section 26-55-106; or

373 (B) administering to an individual experiencing an opiate-related drug overdose event;

374 (b) without a prescriber-patient relationship; and

375 (c) without liability for any civil damages for acts or omissions made as a result of
376 prescribing or dispensing the opiate antagonist in good faith.";

377 (3) providing that the amendments to Subsection 26-55-104(3) in H.B. 238 supersede
378 the amendments to Subsection 26-55-104(3) in H.B. 240;

379 (4) modifying Section 26-55-105 enacted in H.B. 240, to read:

380 "26-55-105. Standing prescription drug orders for an opiate antagonist.

381 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed
382 under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may
383 dispense the opiate antagonist:

384 (a) pursuant to a standing prescription drug order made in accordance with Subsection
385 (2); and

386 (b) without any other prescription drug order from a person licensed to prescribe an
387 opiate antagonist.

388 (2) A physician who is licensed to prescribe an opiate antagonist, including a physician
389 acting in the physician's capacity as an employee of the department, or a medical director of a
390 local health department, as defined in Section 26A-1-102, may issue a standing prescription
391 drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in
392 accordance with a protocol that:

393 (a) limits dispensing of the opiate antagonist to:
394 (i) an individual who is at increased risk of experiencing an opiate-related drug
395 overdose event;
396 (ii) a family member of, friend of, or other individual who is in a position to assist an
397 individual who is at increased risk of experiencing an opiate-related drug overdose event; or
398 (iii) an overdose outreach provider for:
399 (A) furnishing to an individual under Subsection (2)(a)(i) or (2)(a)(ii), as provided in
400 Section 26-55-106; or
401 (B) administering to an individual experiencing an opiate-related drug overdose event;
402 (b) requires the physician to specify the persons, by professional license number,
403 authorized to dispense the opiate antagonist;
404 (c) requires the physician to review at least annually the dispensing practices of those
405 authorized by the physician to dispense the opiate antagonist;
406 (d) requires those authorized by the physician to dispense the opiate antagonist to make
407 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
408 include:
409 (i) the name of the person;
410 (ii) the drug dispensed; and
411 (iii) other relevant information; and
412 (e) is approved by the Division of Occupational and Professional Licensing within the
413 Department of Commerce by administrative rule made in accordance with Title 63G, Chapter
414 3, Utah Administrative Rulemaking Act.";
415 (5) modifying Section 58-17b-507 to read:
416 "(1) As used in this section:
417 (a) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
418 (b) "Opiate-related drug overdose event" means the same as that term is defined in
419 Section 26-55-102.
420 (2) A person licensed under this chapter that dispenses an opiate antagonist to an

421 individual with a prescription for an opiate antagonist, to an overdose outreach provider with a
422 prescription for an opiate antagonist, or pursuant to a standing prescription drug order issued in
423 accordance with Subsection 26-55-105(2) is not liable for any civil damages resulting from the
424 outcomes of the eventual administration of the opiate antagonist to an individual who another
425 individual believes is experiencing an opiate-related drug overdose event.

426 (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response
427 Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration
428 of an opiate antagonist.

429 (4) It is not unprofessional conduct or unlawful conduct for a licensee under this
430 chapter to dispense an opiate antagonist to an individual on behalf of another individual if the
431 individual obtaining the opiate antagonist has a prescription for the opiate antagonist from a
432 licensed prescriber or the opiate antagonist is dispensed pursuant to a standing prescription
433 drug order issued in accordance with Subsection 26-55-105(2).

434 (5) It is not unprofessional conduct or unlawful conduct for a licensee under this
435 chapter to dispense an opiate antagonist to an overdose outreach provider if the overdose
436 outreach provider has a prescription for the opiate antagonist from a licensed prescriber issued
437 pursuant to Subsection 26-55-104(2)(a)(iii).";

438 (6) modifying Subsections 58-31b-703(1)(a), 58-67-702(1)(a), 58-68-702(1)(a), and
439 58-70a-505(1)(a) to read:

440 "(a) "Dispense" means the same as that term is defined in Section 58-17b-102.";

441 (7) modifying Subsections 58-31b-703(1)(e), 58-67-702(1)(e), 58-68-702(1)(e), and
442 58-70a-505(1)(e) to read:

443 "(e) "Prescribe" means the same as that term is defined in Section 58-17b-102.";

444 (8) modifying Subsection 58-31b-703(2) to read:

445 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
446 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
447 opiate antagonist:

448 (a) in a good faith effort to assist:

449 (i) an individual who is at increased risk of experiencing an opiate-related drug
450 overdose event; or

451 (ii) a family member of, friend of, or other individual who is in a position to assist an
452 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

453 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";

454 (9) modifying Subsection 58-67-702(2) to read:

455 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
456 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
457 opiate antagonist:

458 (a) in a good faith effort to assist:

459 (i) an individual who is at increased risk of experiencing an opiate-related drug
460 overdose event; or

461 (ii) a family member of, friend of, or other individual who is in a position to assist an
462 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

463 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";

464 (10) modifying Subsection 58-68-702(2) to read:

465 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
466 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
467 opiate antagonist:

468 (a) in a good faith effort to assist:

469 (i) an individual who is at increased risk of experiencing an opiate-related drug
470 overdose event; or

471 (ii) a family member of, friend of, or other individual who is in a position to assist an
472 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

473 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii)."; and

474 (11) modifying Subsection 58-70a-505(2) to read:

475 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
476 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the

477 opiate antagonist:

478 (a) in a good faith effort to assist:

479 (i) an individual who is at increased risk of experiencing an opiate-related drug

480 overdose event; or

481 (ii) a family member of, friend of, or other individual who is in a position to assist an

482 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

483 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii)."

484 **Section 13. Coordinating H.B. 238 and H.B. 192 -- Substantive and technical**

485 **amendments.**

486 If this H.B. 238 and H.B. 192, Opiate Overdose Response Act -- Pilot Program and

487 Other Amendments, both pass and become law, it is the intent of the Legislature that the Office

488 of Legislative Research and General Counsel prepare the Utah Code database for publication

489 by:

490 (1) renumbering Section 26-55-105 enacted in H.B. 192 to Section 26-55-106 and

491 renumbering cross references accordingly;

492 (2) modifying Subsection 26-55-104(2) to read:

493 "(2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care

494 provider who is licensed to prescribe an opiate antagonist may prescribe or dispense an opiate

495 antagonist:

496 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug

497 overdose event;

498 (ii) to a family member of, friend of, or other person, including a person described in

499 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an

500 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

501 (iii) to an overdose outreach provider for:

502 (A) furnishing to an individual who is at increased risk of experiencing an

503 opiate-related drug overdose event, or to a family member of, friend of, or other individual who

504 is in a position to assist an individual who is at increased risk of experiencing an opiate-related

505 drug overdose event, as provided in Section 26-55-105; or
506 (B) administering to an individual experiencing an opiate-related drug overdose event;
507 (b) without a prescriber-patient relationship; and
508 (c) without liability for any civil damages for acts or omissions made as a result of
509 prescribing or dispensing the opiate antagonist in good faith.";
510 (3) providing that the amendments to Subsection 26-55-104(3) in H.B. 238 supersede
511 the amendments to Subsection 26-55-104(3) in H.B. 192;
512 (4) modifying Section 58-17b-507 to read:
513 "(1) As used in this section:
514 (a) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
515 (b) "Opiate-related drug overdose event" means the same as that term is defined in
516 Section 26-55-102.
517 (2) A person licensed under this chapter that dispenses an opiate antagonist to an
518 individual with a prescription for an opiate antagonist, or to an overdose outreach provider with
519 a prescription for an opiate antagonist, is not liable for any civil damages resulting from the
520 outcomes of the eventual administration of the opiate antagonist to an individual who another
521 individual believes is experiencing an opiate-related drug overdose event.
522 (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response
523 Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration
524 of an opiate antagonist.
525 (4) It is not unprofessional conduct or unlawful conduct for a licensee under this
526 chapter to dispense an opiate antagonist to a person, including a person described in
527 Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person
528 obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed
529 prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order
530 issued in accordance with Subsection 26-55-105(2).
531 (5) It is not unprofessional conduct or unlawful conduct for a licensee under this
532 chapter to dispense an opiate antagonist to an overdose outreach provider if the overdose

533 outreach provider has a prescription for the opiate antagonist from a licensed prescriber issued
534 pursuant to Subsection 26-55-104(2)(a)(iii).";

535 (5) modifying Subsection 58-31b-703(2) to read:

536 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
537 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
538 opiate antagonist:

539 (a) in a good faith effort to assist:

540 (i) an individual who is at increased risk of experiencing an opiate-related drug
541 overdose event; or

542 (ii) a family member of, friend of, or other person, including a person described in
543 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
544 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

545 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";

546 (6) modifying Subsection 58-67-702(2) to read:

547 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
548 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
549 opiate antagonist:

550 (a) in a good faith effort to assist:

551 (i) an individual who is at increased risk of experiencing an opiate-related drug
552 overdose event; or

553 (ii) a family member of, friend of, or other person, including a person described in
554 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
555 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

556 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";

557 (7) modifying Subsection 58-68-702(2) to read:

558 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
559 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
560 opiate antagonist:

561 (a) in a good faith effort to assist:
562 (i) an individual who is at increased risk of experiencing an opiate-related drug
563 overdose event; or
564 (ii) a family member of, friend of, or other person, including a person described in
565 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
566 individual who is at increased risk of experiencing an opiate-related drug overdose event; or
567 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";
568 (8) modifying Subsection 58-69-702(2)(a)(ii) to read:
569 "(ii) a family member of, friend of, or other person, including a person described in
570 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
571 individual who is at increased risk of experiencing an opiate-related drug overdose event; or";
572 and
573 (9) modifying Subsection 58-70a-505(2) to read:
574 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
575 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
576 opiate antagonist:
577 (a) in a good faith effort to assist:
578 (i) an individual who is at increased risk of experiencing an opiate-related drug
579 overdose event; or
580 (ii) a family member of, friend of, or other person, including a person described in
581 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
582 individual who is at increased risk of experiencing an opiate-related drug overdose event; or
583 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).".
584 **Section 14. Coordinating H.B. 238, H.B. 240, and H.B. 192 -- Substantive and**
585 **technical amendments.**
586 If this H.B. 238, H.B. 240, Opiate Overdose Response Act -- Standing Orders and
587 Other Amendments, and H.B. 192, Opiate Overdose Response Act -- Pilot Program and Other
588 Amendments, all pass and become law, it is the intent of the Legislature that the Office of

589 Legislative Research and General Counsel prepare the Utah Code database for publication by:

590 (1) renumbering Section 26-55-105 enacted in H.B. 238 to Section 26-55-106 and
591 renumbering cross references accordingly;

592 (2) renumbering Section 26-55-105 enacted in H.B. 192 to Section 26-55-107 and
593 renumbering cross references accordingly;

594 (3) modifying Subsection 26-55-104(2) to read:

595 "(2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care
596 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
597 standing prescription drug order issued in accordance with Subsection 26-55-105(2), or
598 dispense an opiate antagonist:

599 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug
600 overdose event;

601 (ii) to a family member of, friend of, or other person, including a person described in
602 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
603 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

604 (iii) to an overdose outreach provider for:

605 (A) furnishing to an individual who is at increased risk of experiencing an
606 opiate-related drug overdose event, or to a family member of, friend of, or other individual who
607 is in a position to assist an individual who is at increased risk of experiencing an opiate-related
608 drug overdose event, as provided in Section 26-55-106; or

609 (B) administering to an individual experiencing an opiate-related drug overdose event;

610 (b) without a prescriber-patient relationship; and

611 (c) without liability for any civil damages for acts or omissions made as a result of
612 prescribing or dispensing the opiate antagonist in good faith.";

613 (4) providing that the amendments to Subsection 26-55-104(3) in H.B. 238 supersede
614 the amendments to Subsection 26-55-104(3) in H.B. 240 and H.B. 192;

615 (5) modifying Section 26-55-105 enacted in H.B. 240, to read:

616 "26-55-105. Standing prescription drug orders for an opiate antagonist.

617 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed
618 under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may
619 dispense the opiate antagonist:

620 (a) pursuant to a standing prescription drug order made in accordance with Subsection
621 (2); and

622 (b) without any other prescription drug order from a person licensed to prescribe an
623 opiate antagonist.

624 (2) A physician who is licensed to prescribe an opiate antagonist, including a physician
625 acting in the physician's capacity as an employee of the department, or a medical director of a
626 local health department, as defined in Section 26A-1-102, may issue a standing prescription
627 drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in
628 accordance with a protocol that:

629 (a) limits dispensing of the opiate antagonist to:

630 (i) an individual who is at increased risk of experiencing an opiate-related drug
631 overdose event;

632 (ii) a family member of, friend of, or other person, including a person described in
633 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
634 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

635 (iii) an overdose outreach provider for:

636 (A) furnishing to an individual who is at increased risk of experiencing an
637 opiate-related drug overdose event, or to a family member of, friend of, or other individual who
638 is in a position to assist an individual who is at increased risk of experiencing an opiate-related
639 drug overdose event, as provided in Section 26-55-106; or

640 (B) administering to an individual experiencing an opiate-related drug overdose event;

641 (b) requires the physician to specify the persons, by professional license number,
642 authorized to dispense the opiate antagonist;

643 (c) requires the physician to review at least annually the dispensing practices of those
644 authorized by the physician to dispense the opiate antagonist;

645 (d) requires those authorized by the physician to dispense the opiate antagonist to make
646 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
647 include:

- 648 (i) the name of the person;
649 (ii) the drug dispensed; and
650 (iii) other relevant information; and

651 (e) is approved by the Division of Occupational and Professional Licensing within the
652 Department of Commerce by administrative rule made in accordance with Title 63G, Chapter
653 3, Utah Administrative Rulemaking Act.";

654 (6) modifying Section 58-17b-507 to read:

655 "(1) As used in this section:

656 (a) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.

657 (b) "Opiate-related drug overdose event" means the same as that term is defined in
658 Section 26-55-102.

659 (2) A person licensed under this chapter that dispenses an opiate antagonist to an
660 individual with a prescription for an opiate antagonist, to an overdose outreach provider with a
661 prescription for an opiate antagonist, or pursuant to a standing prescription drug order issued in
662 accordance with Subsection 26-55-105(2) is not liable for any civil damages resulting from the
663 outcomes of the eventual administration of the opiate antagonist to an individual who another
664 individual believes is experiencing an opiate-related drug overdose event.

665 (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response
666 Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration
667 of an opiate antagonist.

668 (4) It is not unprofessional conduct or unlawful conduct for a licensee under this
669 chapter to dispense an opiate antagonist to a person, including a person described in
670 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person
671 obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed
672 prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order

673 issued in accordance with Subsection 26-55-102(2).

674 (5) It is not unprofessional conduct or unlawful conduct for a licensee under this
675 chapter to dispense an opiate antagonist to an overdose outreach provider if the overdose
676 outreach provider has a prescription for the opiate antagonist from a licensed prescriber issued
677 pursuant to Subsection 26-55-104(2)(a)(iii).";

678 (7) modifying Subsections 58-31b-703(1)(a), 58-67-702(1)(a), 58-68-702(1)(a), and
679 58-70a-505(1)(a) to read:

680 "(a) "Dispense" means the same as that term is defined in Section 58-17b-102.";

681 (8) modifying Subsections 58-31b-703(1)(e), 58-67-702(1)(e), 58-68-702(1)(e), and
682 58-70a-505(1)(e) to read:

683 "(e) "Prescribe" means the same as that term is defined in Section 58-17b-102.";

684 (9) modifying Subsection 58-31b-703(2) to read:

685 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
686 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
687 opiate antagonist:

688 (a) in a good faith effort to assist:

689 (i) an individual who is at increased risk of experiencing an opiate-related drug
690 overdose event; or

691 (ii) a family member of, friend of, or other person, including a person described in
692 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
693 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

694 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";

695 (10) modifying Subsection 58-67-702(2) to read:

696 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
697 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
698 opiate antagonist:

699 (a) in a good faith effort to assist:

700 (i) an individual who is at increased risk of experiencing an opiate-related drug

701 overdose event; or
702 (ii) a family member of, friend of, or other person, including a person described in
703 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
704 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

705 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";
706 (11) modifying Subsection 58-68-702(2) to read:

707 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
708 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
709 opiate antagonist:

710 (a) in a good faith effort to assist:

711 (i) an individual who is at increased risk of experiencing an opiate-related drug
712 overdose event; or

713 (ii) a family member of, friend of, or other person, including a person described in
714 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
715 individual who is at increased risk of experiencing an opiate-related drug overdose event; or

716 (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).";
717 (12) modifying Subsection 58-69-702(2)(a)(ii) to read:

718 "(ii) a family member of, friend of, or other person, including a person described in
719 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
720 individual who is at increased risk of experiencing an opiate-related drug overdose event; or";

721 and

722 (13) modifying Subsection 58-70a-505(2) to read:

723 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this
724 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the
725 opiate antagonist:

726 (a) in a good faith effort to assist:

727 (i) an individual who is at increased risk of experiencing an opiate-related drug
728 overdose event; or

729 (ii) a family member of, friend of, or other person, including a person described in
730 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
731 individual who is at increased risk of experiencing an opiate-related drug overdose event; or
732 (b) to an overdose outreach provider pursuant to Subsection [26-55-104\(2\)\(a\)\(iii\)](#)".