

HB0238S01 compared with HB0238

~~text~~ shows text that was in HB0238 but was deleted in HB0238S01.

text shows text that was not in HB0238 but was inserted into HB0238S01.

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Senator Brian E. Shiozawa proposes the following substitute bill:

OPIATE OVERDOSE RESPONSE ACT ~~ACT~~ OVERDOSE OUTREACH PROVIDERS AND OTHER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: ~~_____~~ Brian E. Shiozawa

Cosponsors:

Patrice M. Arent

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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:

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- ▶ 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 unprofessional or unlawful conduct; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

ENACTS:

26-55-105, Utah Code Annotated 1953

58-69-702, Utah Code Annotated 1953

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Utah Code Sections Affected by Coordination Clause:

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

26-55-105, Utah Code Annotated 1953

26-55-106, Utah Code Annotated 1953

26-55-107, Utah Code Annotated 1953

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

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

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

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

58-69-702, Utah Code Annotated 1953

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

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

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

CHAPTER 55. OPIATE OVERDOSE RESPONSE ACT

26-55-101. Title.

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

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

26-55-102. Definitions.

As used in this chapter:

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

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

~~{~~ (3) "Division" means the Division of Occupational and Professional Licensing within the Department of Commerce.

~~†~~ [(†)] (~~(4)~~(3)) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides home- and community-based services, a hospice or home health care agency, or another facility that provides or contracts to provide health care services, which facility is licensed under Chapter 21, Health Care Facility Licensing and Inspection Act.

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~~(2)~~ ~~(5)~~4 "Health care provider" means:

- (a) a physician, as defined in Section 58-67-102;
- (b) an advanced practice registered nurse, as defined in Subsection 58-31b-102(13);

[~~or~~]

(c) a physician assistant, as defined in Section 58-70a-102; or

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

~~(6)~~5 "Increased risk" means risk exceeding the risk typically experienced by an individual who is not using, and is not likely to use, an opiate;

~~(7)~~6 "Local health department" means:

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

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

~~(3)~~ ~~(8)~~7 "Opiate" [~~is~~ as] means the same as ~~{as}~~ that term is defined in Section 58-37-2.

~~(4)~~ ~~(9)~~8 "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration for the diagnosis or treatment of [~~a~~] an opiate-related drug overdose ~~{event}~~.

~~(5)~~ ~~(10)~~9 "Opiate-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to require medical assistance.

~~(11)~~10 "Overdose outreach provider" means:

(a) a law enforcement agency;

(b) a fire department;

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

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

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

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

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

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health authority, as defined in Section 62A-15-102;

(h) an organization providing services to the homeless;

(i) a local health department; or

(j) an individual.

(~~12~~11) "Patient counseling" means the same as that term is defined in Section 58-17b-102.

(~~13~~12) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

(~~14~~13) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.

(~~15~~14) "Prescribe" means the same as that term is defined in Section 58-17b-102.

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

26-55-104. Prescribing, dispensing, and administering an opiate antagonist --

Immunity from liability.

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

(b) A health care provider:

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

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

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

(a) (i) to an individual who is at increased risk of experiencing [~~or who is likely to~~

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~~experience]~~ an opiate-related drug overdose event; ~~[or]~~

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

(iii) to an overdose outreach provider for:

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

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

(b) without a prescriber-patient relationship; and

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

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

(a) ~~{how to}~~ recognize an opiate-related drug overdose event; and

(b) ~~{how to}~~ respond appropriately to an opiate-related drug overdose event, including

[how to](#):

(i) ~~{how to}~~ administer an opiate antagonist; and

(ii) ~~{how to}~~ ensure that an individual to whom an opiate antagonist has been

administered receives, as soon as possible, additional medical care and a medical evaluation.

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

26-55-105. Overdose outreach providers.

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

(1) an overdose outreach provider may:

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

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

(ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,

Pharmacy Practice Act;

(b) store the opiate antagonist; and

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(c) furnish the opiate antagonist:

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

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

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

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

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

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

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

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

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

58-17b-309. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the acts or practices described in this section without being licensed under this chapter:

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

(2) an animal shelter that:

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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(2) The prescribing or dispensing of an opiate antagonist by an individual licensed under this chapter to engage in the practice of dentistry is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:

(a) in a good faith effort to assist:

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(a) in a good faith effort to assist:

~~[(a) a person]~~ (i) an individual who is at increased risk of experiencing ~~[or who is~~

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~~likely to experience~~] an opiate-related drug overdose event [~~as defined in Section 26-55-102~~];
or

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

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

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

‡

Legislative Review Note

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

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

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

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

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

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

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

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(iii) to an overdose outreach provider for:

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

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

(b) without a prescriber-patient relationship; and

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

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

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

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

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

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

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

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

(a) limits dispensing of the opiate antagonist to:

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

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

(iii) an overdose outreach provider for:

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

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

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

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

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

(i) the name of the person;

(ii) the drug dispensed; and

(iii) other relevant information; and

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

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

"(1) As used in this section:

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

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

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

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

(4) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to an individual on behalf of another individual if the individual obtaining the opiate antagonist has a prescription for the opiate antagonist from a

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licensed prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order issued in accordance with Subsection 26-55-105(2).

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

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

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

If this H.B. 238 and H.B. 192, Opiate Overdose Response Act -- Pilot Program and Other Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) renumbering Section 26-55-105 enacted in H.B. 192 to Section 26-55-106 and renumbering cross references accordingly;

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

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

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

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

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

(iii) to an overdose outreach provider for:

(A) furnishing to an individual who is at increased risk of experiencing an opiate-related drug overdose event, or to a family member of, friend of, or other individual who is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event, as provided in Section 26-55-105; or

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

(b) without a prescriber-patient relationship; and

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

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

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

"(1) As used in this section:

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

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

(2) A person licensed under this chapter that dispenses an opiate antagonist to an individual with a prescription for an opiate antagonist, or to an overdose outreach provider with a prescription for an opiate antagonist, is not liable for any civil damages resulting from the outcomes of the eventual administration of the opiate antagonist to an individual who another individual believes is experiencing an opiate-related drug overdose event.

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

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(4) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to a person, including a person described in Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order issued in accordance with Subsection 26-55-105(2).

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

(8) modifying Subsection 58-69-702(2)(a)(ii) to read:

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

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

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

(a) in a good faith effort to assist:

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

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

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

Section 14. **Coordinating H.B. 238, H.B. 240, and H.B. 192 -- Substantive and technical amendments.**

If this H.B. 238, H.B. 240, Opiate Overdose Response Act -- Standing Orders and

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Other Amendments, and H.B. 192, Opiate Overdose Response Act -- Pilot Program and Other Amendments, all pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

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

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

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

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

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

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

(iii) to an overdose outreach provider for:

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

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

(b) without a prescriber-patient relationship; and

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

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

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

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

(1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed

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under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may dispense the opiate antagonist:

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

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

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

(a) limits dispensing of the opiate antagonist to:

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

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

(iii) an overdose outreach provider for:

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

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

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

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

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

(i) the name of the person;

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(ii) the drug dispensed; and

(iii) other relevant information; and

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

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

"(1) As used in this section:

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

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

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

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

(4) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to a person, including a person described in Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order issued in accordance with Subsection 26-55-102(2).

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

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

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

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

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

(a) in a good faith effort to assist:

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

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

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

(12) modifying Subsection 58-69-702(2)(a)(ii) to read:

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

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

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

(a) in a good faith effort to assist:

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

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

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