

Jen Plumb proposes the following substitute bill:

Naloxone Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Matthew H. Gwynn

LONG TITLE

General Description:

This bill extends protections for prescribing, dispensing, furnishing, and administering an expired opiate antagonist.

Highlighted Provisions:

This bill:

- for administering an opiate antagonist:
 - extends immunity from liability for administering an opiate antagonist in good faith to include the administration of an expired opiate antagonist; and
 - clarifies that immunity includes immunity from a civil action and criminal prosecution;
- provides that a person licensed under Utah law to dispense an opiate antagonist may dispense an expired opiate antagonist;
- requires a health care provider who dispenses an opiate antagonist to an individual or overdose outreach provider to provide education on the safety, efficacy, and risks of administering an expired opiate antagonist;
- provides that it is not unlawful or unprofessional conduct for a person who is licensed to prescribe or dispense an opiate antagonist to prescribe or dispense an expired opiate antagonist;
- provides that an overdose outreach provider may furnish an expired opiate antagonist;
- makes technical and conforming changes; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26B-4-509**, as renumbered and amended by Laws of Utah 2023, Chapter 30732 **26B-4-510**, as renumbered and amended by Laws of Utah 2023, Chapter 30733 **26B-4-511**, as renumbered and amended by Laws of Utah 2023, Chapter 30734 **58-17b-507**, as last amended by Laws of Utah 2023, Chapter 32835 **58-31b-703**, as last amended by Laws of Utah 2023, Chapter 32936 **58-67-702**, as last amended by Laws of Utah 2023, Chapter 32937 **58-68-702**, as last amended by Laws of Utah 2023, Chapter 32938 **58-69-702**, as last amended by Laws of Utah 2023, Chapter 32939 **58-70a-505**, as last amended by Laws of Utah 2023, Chapter 32940

*Be it enacted by the Legislature of the state of Utah:*41 Section 1. Section **26B-4-509** is amended to read:42 **26B-4-509 . Prescribing, dispensing, and administering an opiate antagonist --**43 **Immunity from liability.**44 (1) As used in this section, "expired opiate antagonist" means an opiate antagonist that is no
45 more than 24 months past the month and year of the opiate antagonist's expiration date.46 [(4)] (2)(a)(i) For purposes of Subsection [(4)(a)(ii)] (2)(a)(ii), "a person other than a
47 health care facility or health care provider" includes the following, regardless of
48 whether the person has received funds from the department through the Opiate
49 Overdose Outreach Pilot Program created in Section 26B-4-512:

50 (A) a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F);

51 or

52 (B) an organization, defined by department rule made under Subsection
53 26B-4-512(7)(e), that is in a position to assist an individual who is at increased
54 risk of experiencing an opiate-related drug overdose event.55 (ii) Except as provided in Subsection [(4)(b)] (2)(b), the following persons are [not
56 liable for any civil damages] immune from a civil action or criminal prosecution
57 for acts or omissions made as a result of administering an opiate antagonist when
58 the person acts in good faith to administer the opiate antagonist, including an
59 expired opiate antagonist, to an individual whom the person believes to be
60 experiencing an opiate-related drug overdose event:

61 (A) an overdose outreach provider; or

63 (B) a person other than a health care facility or health care provider.

64 (b) A health care provider:

65 (i) is not immune from liability under Subsection [(1)(a)] (2)(a) when the health care
66 provider is acting within the scope of the health care provider's responsibilities or
67 duty of care; and

68 (ii) is immune from liability under Subsection [(1)(a)] (2)(a) if the health care
69 provider is under no legal duty to respond and otherwise complies with Subsection [
70 (1)(a)] (2)(a).

71 [(2)] (3) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care
72 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
73 standing prescription drug order issued in accordance with Subsection 26B-4-510(2), or
74 dispense an opiate antagonist, including an expired opiate antagonist:

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

77 (ii) for an individual described in Subsection [(2)(a)(i)] (3)(a)(i), to a family member,
78 friend, or other person, including a person described in Subsections
79 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist the
80 individual; or

81 (iii) to an overdose outreach provider for:

82 (A) furnishing the opiate antagonist to an individual described in Subsection [
83 (2)(a)(i)] (3)(a)(i) or (ii), as provided in Section 26B-4-511; or

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

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

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

89 [(3)] (4) A health care provider who dispenses an opiate antagonist to an individual or an
90 overdose outreach provider under Subsection [(2)(a)] (3)(a) shall provide education to
91 the individual or overdose outreach provider that includes written instruction on how to:

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

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

94 (i) administer an opiate antagonist; and

95 (ii) ensure that an individual to whom an opiate antagonist has been administered
96 receives, as soon as possible, additional medical care and a medical evaluation[.] ;

97 and

98 (c) the safety, efficacy, and risks of administering an expired opiate antagonist.

99 Section 2. Section **26B-4-510** is amended to read:

100 **26B-4-510 . Standing prescription drug orders for an opiate antagonist.**

101 (1) As used in this section, "expired opiate antagonist" means an opiate antagonist that is no
102 more than 24 months past the month and year of the opiate antagonist's expiration date.

103 (2) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under
104 Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may
105 dispense the opiate antagonist, including an expired opiate antagonist:

106 (a) pursuant to a standing prescription drug order made in accordance with Subsection [
107 (2)] (3); and

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

110 [({2})] (3) A physician who is licensed to prescribe an opiate antagonist, including a physician
111 acting in the physician's capacity as an employee of the department, or a medical
112 director of a local health department, as defined in Section [26B-4-512] 26A-1-102, may
113 issue a standing prescription drug order authorizing the dispensing of the opiate
114 antagonist under Subsection [({1})] (2) in accordance with a protocol that:

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

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

118 (ii) a family member of, friend of, or other person, including a person described in
119 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to
120 assist an individual who is at increased risk of experiencing an opiate-related drug
121 overdose event; or

122 (iii) an overdose outreach provider for:

123 (A) furnishing to an individual who is at increased risk of experiencing an
124 opiate-related drug overdose event, or to a family member of, friend of, or
125 other individual who is in a position to assist an individual who is at increased
126 risk of experiencing an opiate-related drug overdose event, as provided in
127 Section 26B-4-511; or

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

130 (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 Professional Licensing within the Department of Commerce by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 3. Section **26B-4-511** is amended to read:

26B-4-511 . Overdose outreach providers.

(1) As used in this section, "expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.

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

[(1)] (a) an overdose outreach provider may:

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

[(i)] (A) a health care provider, in accordance with Subsections 26B-4-509(2) and (3); or

[(i)] (B) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b, Pharmacy Practice Act;

[(b)] (ii) store the opiate antagonist; and

[(c)] (iii) furnish the opiate antagonist, including an expired opiate antagonist:

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

[(B)] (II) to a family member, friend, overdose outreach provider, 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; and

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

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

165 [a] (i) shall also furnish to the recipient of the opiate antagonist:

166 [i] (A) the written instruction under Subsection 26B-4-504(3) 26B-4-509(3)
167 received by the overdose outreach provider from the health care provider at the
168 time the opiate antagonist was dispensed to the overdose outreach provider; or
169 [ii] (B) if the opiate antagonist was dispensed to the overdose outreach provider
170 by a pharmacist or pharmacy intern, any written patient counseling under
171 Section 58-17b-613 received by the overdose outreach provider at the time of
172 dispensing; and
173 [b] (ii) may provide additional instruction on how to recognize and respond
174 appropriately to an opiate-related drug overdose event.

175 Section 4. Section **58-17b-507** is amended to read:

176 **58-17b-507 . Opiate antagonist -- Immunity from liability -- Exclusion from
177 unlawful or unprofessional conduct.**

178 (1) As used in this section:

179 (a) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
180 months past the month and year of the opiate antagonist's expiration date.

181 [a] (b)(i) "Opiate antagonist" means the same as that term is defined in Section
182 26B-4-501.

183 (ii) "Opiate antagonist" includes an expired opiate antagonist.

184 [b] (c) "Opiate-related drug overdose event" means the same as that term is defined in
185 Section 26B-4-501.

186 (2) A person licensed under this chapter that dispenses an opiate antagonist to an individual
187 with a prescription for an opiate antagonist, to an overdose outreach provider with a
188 prescription for an opiate antagonist, or pursuant to a standing prescription drug order
189 issued in accordance with Subsection 26B-4-510(2) is not liable for any civil damages
190 resulting from the outcomes of the eventual administration of the opiate antagonist to an
191 individual who another individual believes is experiencing an opiate-related drug
192 overdose event.

193 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do
194 not establish a duty or standard of care in the prescribing, dispensing, or administration
195 of an opiate antagonist.

196 (4) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to
197 dispense an opiate antagonist to a person, including a person described in Subsections
198 26B-4-512(1)(a)(A) through (1)(a)(i)(F), on behalf of an individual if the person

199 obtaining the opiate antagonist has a prescription for the opiate antagonist from a
200 licensed prescriber or the opiate antagonist is dispensed pursuant to a standing
201 prescription drug order issued in accordance with Subsection 26B-4-510(2).

202 (5) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to
203 dispense an opiate antagonist to an overdose outreach provider if the overdose outreach
204 provider has a prescription for the opiate antagonist from a licensed prescriber issued
205 pursuant to Subsection 26B-4-509(2)(a)(iii).

206 Section 5. Section **58-31b-703** is amended to read:

207 **58-31b-703 . Opiate antagonist -- Exclusion from unprofessional or unlawful
208 conduct.**

209 (1) As used in this section:

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

211 (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
212 months past the month and year of the opiate antagonist's expiration date.

213 [(b)] (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.

214 [(e)] (d)(i) "Opiate antagonist" means the same as that term is defined in Section
215 26B-4-501.

216 (ii) "Opiate antagonist" includes an expired opiate antagonist.

217 [(d)] (e) "Opiate-related drug overdose event" means the same as that term is defined in
218 Section 26B-4-501.

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

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

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

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

226 (ii) a family member of, friend of, or other person, including a person described in
227 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to
228 assist an individual who is at increased risk of experiencing an opiate-related drug
229 overdose event; or

230 (b) to an overdose outreach provider pursuant to Section 26B-4-509.

231 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do
232 not establish a duty or standard of care in the prescribing, dispensing, or administration

233 of an opiate antagonist.

234 Section 6. Section **58-67-702** is amended to read:

235 **58-67-702 . Opiate antagonist -- Exclusion from unlawful or unprofessional**
236 **conduct.**

237 (1) As used in this section:

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

239 (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
240 months past the month and year of the opiate antagonist's expiration date.

241 [(b)] (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.

242 [(e)] (d)(i) "Opiate antagonist" means the same as that term is defined in Section
243 26B-4-501.

244 (ii) "Opiate antagonist" includes an expired opiate antagonist.

245 [(d)] (e) "Opiate-related drug overdose event" means the same as that term is defined in
246 Section 26B-4-501.

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

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

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

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

254 (ii) a family member of, friend of, or other person, including a person described in
255 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to
256 assist an individual who is at increased risk of experiencing an opiate-related drug
257 overdose event; or

258 (b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).

259 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do
260 not establish a duty or standard of care in the prescribing, dispensing, or administration
261 of an opiate antagonist.

262 Section 7. Section **58-68-702** is amended to read:

263 **58-68-702 . Opiate antagonist -- Exclusion from unlawful or unprofessional**
264 **conduct.**

265 (1) As used in this section:

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

267 (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
268 months past the month and year of the opiate antagonist's expiration date.
269 [(b)] (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
270 [(e)] (d)(i) "Opiate antagonist" means the same as that term is defined in Section
271 26B-4-501.
272 (ii) "Opiate antagonist" includes an expired opiate antagonist.
273 [(d)] (e) "Opiate-related drug overdose event" means the same as that term is defined in
274 Section 26B-4-501.
275 [(e)] (f) "Prescribe" means the same as that term is defined in Section 58-17b-102.
276 (2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is
277 not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate
278 antagonist:
279 (a) in a good faith effort to assist:
280 (i) an individual who is at increased risk of experiencing an opiate-related drug
281 overdose event; or
282 (ii) a family member of, friend of, or other person, including a person described in
283 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to
284 assist an individual who is at increased risk of experiencing an opiate-related drug
285 overdose event; or
286 (b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).
287 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do
288 not establish a duty or standard of care in the prescribing, dispensing, or administration
289 of an opiate antagonist.

290 Section 8. Section **58-69-702** is amended to read:

291 **58-69-702 . Opiate antagonist -- Exclusion from unlawful or unprofessional**
292 **conduct.**

293 (1) As used in this section:

294 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
295 (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
296 months past the month and year of the opiate antagonist's expiration date.
297 [(b)] (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
298 [(e)] (d)(i) "Opiate antagonist" means the same as that term is defined in Section
299 26B-4-501.
300 (ii) "Opiate antagonist" includes an expired opiate antagonist.

301 [d] (e) "Opiate-related drug overdose event" means the same as that term is defined in
302 Section 26B-4-501.

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

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

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

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

310 (ii) a family member of, friend of, or other person, including a person described in
311 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to
312 assist an individual who is at increased risk of experiencing an opiate-related drug
313 overdose event; or

314 (b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).

315 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do
316 not establish a duty or standard of care in the prescribing, dispensing, or administration
317 of an opiate antagonist.

318 Section 9. Section **58-70a-505** is amended to read:

319 **58-70a-505 . Opiate antagonist -- Exclusion from unlawful or unprofessional
320 conduct.**

321 (1) As used in this section:

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

323 (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24
324 months past the month and year of the opiate antagonist's expiration date.

325 [b] (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.

326 [e] (d)(i) "Opiate antagonist" means the same as that term is defined in Section
327 26B-4-501.

328 (ii) "Opiate antagonist" includes an expired opiate antagonist.

329 [d] (e) "Opiate-related drug overdose event" means the same as that term is defined in
330 Section 26B-4-501.

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

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

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

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

337 overdose event; or

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

339 Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to

340 assist an individual who is at increased risk of experiencing an opiate-related drug

341 overdose event; or

342 (b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).

343 (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do

344 not establish a duty or standard of care in the prescribing, dispensing, or administration

345 of an opiate antagonist.

346 **Section 10. Effective Date.**

347 This bill takes effect on May 6, 2026.