

**Jen Plumb** proposes the following substitute bill:

**Naloxone Amendments**  
2026 GENERAL SESSION  
STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor: Matthew H. Gwynn

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**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

**Utah Code Sections Affected:**

AMENDS:

**26B-4-509**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-510**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**26B-4-511**, as renumbered and amended by Laws of Utah 2023, Chapter 307

**58-17b-507**, as last amended by Laws of Utah 2023, Chapter 328

**58-31b-703**, as last amended by Laws of Utah 2023, Chapter 329

**58-67-702**, as last amended by Laws of Utah 2023, Chapter 329

**58-68-702**, as last amended by Laws of Utah 2023, Chapter 329

**58-69-702**, as last amended by Laws of Utah 2023, Chapter 329

**58-70a-505**, as last amended by Laws of Utah 2023, Chapter 329

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

Section 1. Section **26B-4-509** is amended to read:

**26B-4-509 . Prescribing, dispensing, and administering an opiate antagonist --  
Immunity from liability.**

(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.

~~[(1)]~~ (2)(a)(i) For purposes of Subsection ~~[(1)(a)(ii)]~~ (2)(a)(ii), "a person other than a health care facility or health care provider" includes the following, regardless of whether the person has received funds from the department through the Opiate Overdose Outreach Pilot Program created in Section 26B-4-512:

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

(B) an organization, defined by department rule made under Subsection 26B-4-512(7)(e), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event.

(ii) Except as provided in Subsection ~~[(1)(b)]~~ (2)(b), the following persons are ~~[not liable for any civil damages]~~ immune from a civil action or criminal prosecution for acts or omissions made as a result of administering an opiate antagonist when the person acts in good faith to administer the opiate antagonist, including an expired opiate antagonist, to an individual whom the person believes to be experiencing an opiate-related drug overdose event:

(A) an overdose outreach provider; or

- (B) a person other than a health care facility or health care provider.
- (b) A health care provider:
- (i) is not immune from liability under Subsection [~~(1)(a)~~] (2)(a) when the health care provider is acting within the scope of the health care provider's responsibilities or duty of care; and
  - (ii) is immune from liability under Subsection [~~(1)(a)~~] (2)(a) if the health care provider is under no legal duty to respond and otherwise complies with Subsection [~~(1)(a)~~] (2)(a).
- [~~(2)~~] (3) 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 26B-4-510(2), or dispense an opiate antagonist, including an expired opiate antagonist:
- (a)(i) to an individual who is at increased risk of experiencing an opiate-related drug overdose event;
  - (ii) for an individual described in Subsection [~~(2)(a)(i)~~] (3)(a)(i), to a family member, friend, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist the individual; or
  - (iii) to an overdose outreach provider for:
    - (A) furnishing the opiate antagonist to an individual described in Subsection [~~(2)(a)(i)~~] (3)(a)(i) or (ii), as provided in Section 26B-4-511; 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)~~] (4) A health care provider who dispenses an opiate antagonist to an individual or an overdose outreach provider under Subsection [~~(2)(a)~~] (3)(a) shall provide education to the individual or overdose outreach provider that includes written instruction on how to:
- (a) recognize an opiate-related drug overdose event; and
  - (b) respond appropriately to an opiate-related drug overdose event, including how to:
    - (i) administer an opiate antagonist; and
    - (ii) ensure that an individual to whom an opiate antagonist has been administered 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,

- 131 authorized to dispense the opiate antagonist;
- 132 (c) requires the physician to review at least annually the dispensing practices of those
- 133 authorized by the physician to dispense the opiate antagonist;
- 134 (d) requires those authorized by the physician to dispense the opiate antagonist to make
- 135 and retain a record of each person to whom the opiate antagonist is dispensed, which
- 136 shall include:
- 137 (i) the name of the person;
- 138 (ii) the drug dispensed; and
- 139 (iii) other relevant information; and
- 140 (e) is approved by the Division of Professional Licensing within the Department of
- 141 Commerce by administrative rule made in accordance with Title 63G, Chapter 3,
- 142 Utah Administrative Rulemaking Act.

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

144 **26B-4-511 . Overdose outreach providers.**

145 (1) As used in this section, "expired opiate antagonist" means an opiate antagonist that is no

146 more than 24 months past the month and year of the opiate antagonist's expiration date.

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

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

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

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

151 (3); or

152 [(ii)] (B) a pharmacist or pharmacy intern, as otherwise authorized by Title 58,

153 Chapter 17b, Pharmacy Practice Act;

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

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

156 [(i)] (A)[(A)] (I) to an individual who is at increased risk of experiencing an

157 opiate-related drug overdose event; or

158 [(B)] (II) to a family member, friend, overdose outreach provider, or other

159 individual who is in a position to assist an individual who is at increased

160 risk of experiencing an opiate-related drug overdose event; and

161 [(ii)] (B) without liability for any civil damages for acts or omissions made as a

162 result of furnishing the opiate antagonist in good faith; and

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

164 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)(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 26B-4-510(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 26B-4-509(2)(a)(iii).

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

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

- (1) As used in this section:

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

(b) "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.

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

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

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

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

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

- (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 26B-4-512(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 Section 26B-4-509.

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

of an opiate antagonist.

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

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

(1) As used in this section:

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

(b) "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.

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

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

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

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

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

(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 26B-4-512(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 26B-4-509(2)(a)(iii).

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

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

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

(1) As used in this section:

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



(b) "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.

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

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

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

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

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

(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 26B-4-512(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 26B-4-509(2)(a)(iii).

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

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

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

(1) As used in this section:

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

(b) "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.

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

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

(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:

(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 26B-4-512(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 26B-4-509(2)(a)(iii).

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

**Section 10. Effective Date.**

This bill takes effect on May 6, 2026.