

Representative Carol Spackman Moss proposes the following substitute bill:

OPIATE OVERDOSE EMERGENCY TREATMENT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill creates the Emergency Administration of Opiate Antagonist Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ permits the dispensing and administration of an opiate antagonist to a person who is reasonably believed to be experiencing an opiate-related drug overdose event;
 - ▶ establishes immunity for the good faith administration of an opiate antagonist;
 - ▶ clarifies that the administration of an opiate antagonist is voluntary and that the act does not establish a duty to administer an opiate antagonist;
 - ▶ clarifies that it is not unlawful or unprofessional conduct for certain health professionals to prescribe an opiate antagonist to:
 - a person at increased risk of experiencing an opiate-related drug overdose event;
- or
- a family member, friend, or other person in a position to assist a person who is at increased risk of experiencing an opiate-related drug overdose; and
 - ▶ requires a person who prescribes or dispenses an opiate antagonist to advise a person to seek a medical evaluation after experiencing a drug overdose and taking



26 an opiate antagonist.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **26-55-101**, Utah Code Annotated 1953

34 **26-55-102**, Utah Code Annotated 1953

35 **26-55-103**, Utah Code Annotated 1953

36 **26-55-104**, Utah Code Annotated 1953

37 **58-17b-507**, Utah Code Annotated 1953

38 **58-31b-703**, Utah Code Annotated 1953

39 **58-67-702**, Utah Code Annotated 1953

40 **58-68-702**, Utah Code Annotated 1953

41 **58-70a-505**, Utah Code Annotated 1953



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

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

45 **CHAPTER 55. EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST ACT**

46 **26-55-101. Title.**

47 This chapter is known as the "Emergency Administration of Opiate Antagonist Act."

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

49 **26-55-102. Definitions.**

50 As used in this chapter:

51 (1) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
52 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
53 and community-based services, a hospice or home health care agency, or another facility that
54 provides or contracts to provide health care services, which facility is licensed under Chapter
55 21, Health Care Facility Licensing and Inspection Act.

56 (2) "Health care provider" means:

- 57 (a) a physician as defined in Section 58-67-102;
- 58 (b) an advanced practice registered nurse as defined in Subsection 58-31b-102(13); or
- 59 (c) a physician assistant as defined in Section 58-70a-102.
- 60 (3) "Opiate" is as defined in Section 58-37-2.
- 61 (4) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that
- 62 is not a controlled substance and that is approved by the federal Food and Drug Administration
- 63 for the treatment of a drug overdose.
- 64 (5) "Opiate-related drug overdose event" means an acute condition, including a
- 65 decreased level of consciousness or respiratory depression resulting from the consumption or
- 66 use of a controlled substance, or another substance with which a controlled substance was
- 67 combined, and that a person would reasonably believe to require medical assistance.

68 Section 3. Section **26-55-103** is enacted to read:

69 **26-55-103. Voluntary participation.**

70 This chapter does not create a duty or standard of care for a person to prescribe or

71 administer an opiate antagonist.

72 Section 4. Section **26-55-104** is enacted to read:

73 **26-55-104. Authority to obtain and use an emergency opiate antagonist --**

74 **Immunity from liability.**

75 (1) (a) Except as provided in Subsection (1)(b), a person other than a health care

76 facility or health care provider who acts in good faith to administer an opiate antagonist to

77 another person whom the person believes to be suffering an opiate-related drug overdose event

78 is not liable for any civil damages or acts or omissions made as a result of administering the

79 opiate antagonist.

80 (b) A health care provider:

81 (i) does not have immunity from liability under Subsection (1)(a) when the health care

82 provider is acting within the scope of the health care provider's responsibilities or duty of care;

83 and

84 (ii) does have immunity from liability under Subsection (1)(a) if the health care

85 provider is under no legal duty to respond and otherwise complies with Subsection (1)(a).

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

87 provider who is licensed to prescribe or dispense an opiate antagonist may, without a

88 prescriber-patient relationship, prescribe or dispense an opiate antagonist without liability for
89 any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate
90 antagonist in good faith, to:

91 (a) an individual who is at increased risk of experiencing or who is likely to experience
92 an opiate-related drug overdose event; or

93 (b) a family member of, friend of, or other person who may be in a position to assist an
94 individual who may be at increased risk of experiencing or who is likely to experience an
95 opiate-related drug overdose event.

96 (3) A person who prescribes or dispenses an opiate antagonist shall provide education
97 to the individual described in Subsection (2)(a) or (b) that includes instructions to take the
98 person who received the opiate antagonist to an emergency care facility for a medical
99 evaluation.

100 Section 5. Section **58-17b-507** is enacted to read:

101 **58-17b-507. Opiate antagonist -- Immunity from liability.**

102 (1) A person licensed under this chapter who dispenses an opiate antagonist as defined
103 in Section [26-55-102](#) to an individual with a prescription for an opiate antagonist is not liable
104 for any civil damages resulting from the outcomes that result from the eventual administration
105 of the opiate antagonist to a person who another person believes is suffering an opiate-related
106 drug overdose as defined in Section [26-55-102](#).

107 (2) The provisions of this section do not establish a duty or standard of care in the
108 prescribing, dispensing, or administration of an opiate antagonist.

109 (3) It is not unprofessional conduct or unlawful conduct for a licensee under this
110 chapter to dispense an opiate antagonist to a person on behalf of another person if the person
111 obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed
112 prescriber.

113 Section 6. Section **58-31b-703** is enacted to read:

114 **58-31b-703. Opiate antagonist -- Immunity from liability.**

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

117 (2) The prescribing or dispensing of an opiate antagonist as defined in Section
118 [26-55-102](#) by a licensee under this chapter is not unprofessional or unlawful conduct if the

119 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

122 (b) a family member of, friend of, or other person who is in a position to assist a person
123 who may be at increased risk of experiencing or who is likely to experience an opiate-related
124 drug overdose event.

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

128 Section 7. Section **58-67-702** is enacted to read:

129 **58-67-702. Opiate antagonist -- Immunity from liability.**

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

132 (2) The prescribing or dispensing of an opiate antagonist as defined in Section
133 26-55-102 by a licensee under this chapter is not unprofessional or unlawful conduct if the
134 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

137 (b) a family member of, friend of, or other person who is in a position to assist a person
138 who may be at increased risk of experiencing or who is likely to experience an opiate-related
139 drug overdose event.

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

143 Section 8. Section **58-68-702** is enacted to read:

144 **58-68-702. Opiate antagonist -- Immunity from liability.**

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

147 (2) The prescribing or dispensing of an opiate antagonist as defined in Section
148 26-55-102 by a licensee under this chapter is not unprofessional or unlawful conduct if the
149 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

152 (b) a family member of, friend of, or other person who is in a position to assist a person
153 who may be at increased risk of experiencing or who is likely to experience an opiate-related
154 drug overdose event.

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

158 Section 9. Section **58-70a-505** is enacted to read:

159 **58-70a-505. Opiate antagonist -- Immunity from liability.**

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

162 (2) The prescribing or dispensing of an opiate antagonist as defined in Section
163 [26-55-102](#) by a licensee under this chapter is not unprofessional or unlawful conduct if the
164 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

167 (b) a family member of, friend of, or other person who is in a position to assist a person
168 who may be at increased risk of experiencing or who is likely to experience an opiate-related
169 drug overdose event.

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