

HB0119S01 compared with HB0119

~~text~~ shows text that was in HB0119 but was deleted in HB0119S01.

text shows text that was not in HB0119 but was inserted into HB0119S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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:

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- 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 an opiate antagonist.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-55-101, Utah Code Annotated 1953

26-55-102, Utah Code Annotated 1953

26-55-103, Utah Code Annotated 1953

26-55-104, Utah Code Annotated 1953

58-17b-507, Utah Code Annotated 1953

58-31b-703, Utah Code Annotated 1953

58-67-702, Utah Code Annotated 1953

58-68-702, Utah Code Annotated 1953

58-70a-505, Utah Code Annotated 1953

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

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

CHAPTER 55. EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST ACT

26-55-101. Title.

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

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

26-55-102. Definitions.

As used in this chapter:

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(1) "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.

(2) "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.

(3) "Opiate" is as defined in Section 58-37-2.

(4) "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 treatment of a drug overdose.

(5) "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 ~~be an opiate-related drug overdose event that requires~~ require medical assistance.

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

26-55-103. Voluntary participation.

This chapter does not create a duty or standard of care for a person to prescribe or administer an opiate antagonist.

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

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

Immunity from liability.

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

~~(2) A person~~(b) A health care provider:

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(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 ~~is not liable~~ may, without a prescriber-patient relationship, prescribe or dispense an opiate antagonist without liability for any civil damages ~~resulting from~~ or acts or omissions made as a result of prescribing or dispensing an opiate antagonist in good faith, to:

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

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

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

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

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

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

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

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

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prescriber.

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

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

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

(~~f1~~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 in a good faith effort to assist:

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

(~~f2~~3) The provisions of this section and Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

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

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

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

(~~f1~~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 in a good faith effort to assist:

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

(~~f2~~3) The provisions of this section and Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

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

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

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

(~~1~~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 in a good faith effort to assist:

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

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

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

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

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

(~~1~~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 in a good faith effort to assist:

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

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

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Legislative Review Note

~~as of 2-6-14 8:21 AM~~

~~Office of Legislative Research and General Counsel}~~