

59 individual who is not using, and is not likely to use, an opiate.

60 [~~(3)~~] (6) "Opiate" [is] means the same as that term is defined in Section 58-37-2.

61 [~~(4)~~] (7) "Opiate antagonist" means naloxone hydrochloride or any similarly acting  
62 drug that is not a controlled substance and that is approved by the federal Food and Drug  
63 Administration for the ~~H→~~ diagnosis or ~~←H~~ treatment of [a] an opiate-related drug overdose.

64 [(5)] (8) "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 (9) "Prescribe" means the same as that term is defined in Section 58-17b-102.

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

70 **26-55-104. Prescribing, dispensing, and administering an opiate antagonist --**

71 **Immunity from liability.**

72 (1) (a) Except as provided in Subsection (1)(b), a person other than a health care  
73 facility or health care provider ~~H→~~ [who] that ~~←H~~ acts in good faith to administer an opiate  
73a antagonist to

74 ~~[another person]~~ an individual whom the person believes to be ~~[suffering]~~ experiencing an  
75 opiate-related drug overdose event is not liable for any civil damages ~~H→~~ [or] for ~~←H~~ acts  
75a or omissions made  
76 as a result of administering the opiate antagonist.

77 (b) A health care provider:

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

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

83 (2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care  
84 provider who is licensed to prescribe ~~[or dispense]~~ an opiate antagonist may~~[-without a~~  
85 ~~prescriber-patient relationship;]~~ prescribe, including by a standing prescription drug order  
86 issued in accordance with Subsection 26-55-105(2), or dispense an opiate antagonist ~~[without~~  
87 ~~liability for any civil damages or acts or omissions made as a result of prescribing or dispensing~~  
88 ~~an opiate antagonist in good faith, to]:~~

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

90 experience] an opiate-related drug overdose event; or

91 ~~(b)~~ (ii) to a family member of, friend of, or other ~~[person]~~ individual who ~~H→~~ [may be]

91a is ~~←H~~ in a

92 position to assist an individual who ~~[may be]~~ is at increased risk of experiencing ~~[or who is~~

93 ~~likely to experience]~~ an opiate-related drug overdose event[-];

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

95 (c) without liability for any civil damages H→ [or] for ←H acts or omissions made as a

95a result of

96 prescribing or dispensing the opiate antagonist in good faith.

97 (3) A ~~[person]~~ health care provider who ~~[prescribes or]~~ dispenses an opiate antagonist

98 to an individual under Subsection (2)(a) H→ [or (2)(b)] ←H shall provide education to the

98a individual

99 [described in Subsection (2)(a) or (b)] that includes [instructions to take the person who

100 received] instruction:

101 (a) on the proper administration of the opiate antagonist; and

102 (b) that the individual to whom the opiate antagonist is dispensed should ensure that

103 the individual to whom the opiate antagonist is administered is taken to an emergency care

104 facility for a medical evaluation immediately following administration of the opiate antagonist.

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

106 **26-55-105. Standing prescription drug orders for an opiate antagonist.**

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

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

109 dispense the opiate antagonist:

110 (a) pursuant to a standing prescription drug order made in accordance with Subsection

111 (2); and

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

113 opiate antagonist.

114 (2) A physician who is licensed to prescribe an opiate antagonist H→ , including a

114a **physician acting in the physician's capacity as an employee of the department, or a medical**

114b **director of a local health department, as defined in Section 26A-1-102, ←H** may issue a standing

115 prescription drug order authorizing the dispensing of the opiate antagonist under Subsection (1)

116 in accordance with a protocol that:

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

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

119 overdose event; or

120 (ii) a family member of, friend of, or other individual who H→ [may be] is ←H in a

120a position to

121 assist an individual who is at increased risk of experiencing an opiate-related drug overdose  
 122 event;

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

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

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

130 (i) the name of the individual;

131 (ii) the drug dispensed; and

132 (iii) other relevant information; and

133 (e) is approved by the Division of Occupational and Professional Licensing within the  
 134 Department of Commerce by administrative rule made in accordance with Title 63G, Chapter  
 135 3, Utah Administrative Rulemaking Act.

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

137 **58-17b-507. Opiate antagonist -- Immunity from liability -- Exclusion from**  
 138 **unlawful or unprofessional conduct.**

139 (1) As used in this section:

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

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

143 (2) A person licensed under this chapter ~~is~~ **→ [who] that ←** dispenses an opiate

143a antagonist ~~[as defined~~

144 ~~in Section 26-55-102]~~ to an individual with a prescription for an opiate antagonist, or pursuant

145 to a standing prescription drug order issued in accordance with Subsection 26-55-105(2), is not

146 liable for any civil damages resulting from the outcomes that result from the eventual

147 administration of the opiate antagonist to ~~[a person]~~ an individual who another ~~[person]~~

148 individual believes is ~~[suffering]~~ experiencing an opiate-related drug overdose ~~[as defined in~~

149 ~~Section 26-55-102]~~ event.

150 ~~[(2)]~~ (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose  
 151 Response Act, do not establish a duty or standard of care in the prescribing, dispensing, or