

1                   **OPIATE OVERDOSE RESPONSE ACT -- PILOT PROGRAM**

2                                   **AND OTHER AMENDMENTS**

3   2016 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Mike K. McKell**

6                                   Senate Sponsor: Curtis S. Bramble

7   Cosponsors:                           Brad King

8   Rich Cunningham

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10 **LONG TITLE**

11 **General Description:**

12           This bill renames the Emergency Administration of Opiate Antagonist Act as the  
13 Opiate Overdose Response Act, amends the act, and makes related amendments.

14 **Highlighted Provisions:**

15           This bill:

- 16           ▶ renames the Emergency Administration of Opiate Antagonist Act as the Opiate  
17 Overdose Response Act;
- 18           ▶ amends definitions;
- 19           ▶ amends liability provisions;
- 20           ▶ creates the Opiate Overdose Outreach Pilot Program within the Department of  
21 Health;
- 22           ▶ specifies how money appropriated for the program may be used;
- 23           ▶ authorizes the department to make grants through the program to persons that are in  
24 a position to assist an individual who is at increased risk of experiencing an  
25 opiate-related drug overdose event;
- 26           ▶ specifies how grants may be used;
- 27           ▶ requires annual reporting by grantees;
- 28           ▶ requires rulemaking by the department;

- 29           ▶ requires annual reporting on the program by the department;
- 30           ▶ designates program funding as nonlapsing; and
- 31           ▶ makes technical changes.

**32 Money Appropriated in this Bill:**

33           This bill appropriates:

- 34           ▶ to Department of Health -- Disease Control and Prevention, as a one-time
- 35 appropriation:
- 36           • from the General Fund, \$250,000, for the newly created Opiate Overdose
- 37 Outreach Pilot Program.

**38 Other Special Clauses:**

39           This bill provides a coordination clause.

**40 Utah Code Sections Affected:**

41 AMENDS:

- 42           **26-55-101**, as enacted by Laws of Utah 2014, Chapter 130
- 43           **26-55-102**, as enacted by Laws of Utah 2014, Chapter 130
- 44           **26-55-104**, as enacted by Laws of Utah 2014, Chapter 130
- 45           **58-17b-507**, as enacted by Laws of Utah 2014, Chapter 130
- 46           **58-31b-703**, as enacted by Laws of Utah 2014, Chapter 130
- 47           **58-67-702**, as enacted by Laws of Utah 2014, Chapter 130
- 48           **58-68-702**, as enacted by Laws of Utah 2014, Chapter 130
- 49           **58-70a-505**, as enacted by Laws of Utah 2014, Chapter 130
- 50           **63J-1-602.1**, as last amended by Laws of Utah 2015, Chapters 136 and 180

51 ENACTS:

- 52           **26-55-105**, Utah Code Annotated 1953

**53 Utah Code Sections Affected by Coordination Clause:**

- 54           **26-55-104**, as enacted by Laws of Utah 2014, Chapter 130
- 55           **26-55-105**, Utah Code Annotated 1953
- 56           **26-55-106**, Utah Code Annotated 1953

- 57 [58-17b-507](#), as enacted by Laws of Utah 2014, Chapter 130
- 58 [58-31b-703](#), as enacted by Laws of Utah 2014, Chapter 130
- 59 [58-67-702](#), as enacted by Laws of Utah 2014, Chapter 130
- 60 [58-68-702](#), as enacted by Laws of Utah 2014, Chapter 130
- 61 [58-70a-505](#), as enacted by Laws of Utah 2014, Chapter 130

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

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

65 **CHAPTER 55. OPIATE OVERDOSE RESPONSE ACT**

66 **26-55-101. Title.**

67 This chapter is known as the "[~~Emergency Administration of~~] Opiate [~~Antagonist~~]  
68 Overdose Response Act."

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

70 **26-55-102. Definitions.**

71 As used in this chapter:

72 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter  
73 37, Utah Controlled Substances Act.

74 (2) "Dispense" means the same as that term is defined in Section [58-17b-102](#).

75 ~~(+)~~ (3) "Health care facility" means a hospital, a hospice inpatient residence, a  
76 nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides  
77 home- and community-based services, a hospice or home health care agency, or another facility  
78 that provides or contracts to provide health care services, which facility is licensed under  
79 Chapter 21, Health Care Facility Licensing and Inspection Act.

80 ~~(2)~~ (4) "Health care provider" means:

- 81 (a) a physician<sub>2</sub>, as defined in Section [58-67-102](#);
- 82 (b) an advanced practice registered nurse<sub>2</sub>, as defined in Subsection [58-31b-102](#)(13); or
- 83 (c) a physician assistant<sub>2</sub>, as defined in Section [58-70a-102](#).

84 (5) "Increased risk" means risk exceeding the risk typically experienced by an

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

86 [~~3~~] (6) "Opiate" [~~is~~] means the same as that term is defined in Section 58-37-2.

87 [~~4~~] (7) "Opiate antagonist" means naloxone hydrochloride or any similarly acting  
88 drug that is not a controlled substance and that is approved by the federal Food and Drug  
89 Administration for the diagnosis or treatment of [a] an opiate-related drug overdose.

90 [~~5~~] (8) "Opiate-related drug overdose event" means an acute condition, including a  
91 decreased level of consciousness or respiratory depression resulting from the consumption or  
92 use of a controlled substance, or another substance with which a controlled substance was  
93 combined, and that a person would reasonably believe to require medical assistance.

94 (9) "Prescribe" means the same as that term is defined in Section 58-17b-102.

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

96 **26-55-104. Prescribing, dispensing, and administering an opiate antagonist --**  
97 **Immunity from liability.**

98 (1) (a) (i) For purposes of Subsection (1)(a)(ii), "a person other than a health care  
99 facility or health care provider" includes the following, regardless of whether the person has  
100 received funds from the department through the Opiate Overdose Outreach Pilot Program  
101 created in Section 26-55-105:

102 (A) a person described in Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F); or

103 (B) an organization defined by department rule made under Subsection  
104 26-55-105(7)(e) that is in a position to assist an individual who is at increased risk of  
105 experiencing an opiate-related drug overdose event.

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

111 (b) A health care provider:

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

113 provider is acting within the scope of the health care provider's responsibilities or duty of care;  
114 and

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

117 (2) Notwithstanding Sections [58-1-501](#), [58-17b-501](#), and [58-17b-502](#), a health care  
118 provider who is licensed to prescribe ~~[or dispense]~~ an opiate antagonist may~~[-without a~~  
119 ~~prescriber-patient relationship,]~~ prescribe or dispense an opiate antagonist ~~[without liability for~~  
120 ~~any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate~~  
121 ~~antagonist in good faith, to]:~~

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

124 ~~[(b)]~~ (ii) to a family member of, friend of, or other person [who may be], including a  
125 person described in Subsections [26-55-105](#)(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position  
126 to assist an individual who [may be] is at increased risk of experiencing [or who is likely to  
127 experience] an opiate-related drug overdose event[-];

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

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

131 (3) A ~~[person]~~ health care provider who ~~[prescribes or]~~ dispenses an opiate antagonist  
132 to an individual under Subsection (2)(a) shall provide education to the individual ~~[described in~~  
133 ~~Subsection (2)(a) or (b)]~~ that includes ~~[instructions to take the person who received]~~  
134 instruction:

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

136 (b) that the individual to whom the opiate antagonist is dispensed should ensure that  
137 the individual to whom the opiate antagonist is administered is taken to an emergency care  
138 facility for a medical evaluation immediately following administration of the opiate antagonist.

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

140 **26-55-105. Opiate Overdose Outreach Pilot Program -- Grants -- Annual**

141 **reporting by grantees -- Rulemaking -- Annual reporting by department.**

142 (1) As used in this section:

143 (a) "Persons that are in a position to assist an individual who is at increased risk of  
144 experiencing an opiate-related drug overdose event":

145 (i) means the following organizations:

146 (A) a law enforcement agency;

147 (B) the department or a local health department, as defined in Section [26A-1-102](#);

148 (C) an organization that provides drug or alcohol treatment services;

149 (D) an organization that provides services to the homeless;

150 (E) an organization that provides training on the proper administration of an opiate  
151 antagonist in response to an opiate-related drug overdose event;

152 (F) a school; or

153 (G) except as provided in Subsection (1)(a)(ii), any other organization, as defined by  
154 department rule made under Subsection (7)(e), that is in a position to assist an individual who  
155 is at increased risk of experiencing an opiate-related drug overdose event; and

156 (ii) does not mean:

157 (A) a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

158 (B) a health care facility; or

159 (C) an individual.

160 (b) "School" means:

161 (i) a public school:

162 (A) for elementary or secondary education, including a charter school; or

163 (B) for other purposes;

164 (ii) a private school:

165 (A) for elementary or secondary education; or

166 (B) accredited for other purposes, including higher education or specialty training; or

167 (iii) an institution within the state system of higher education, as described in Section  
168 [53B-1-102](#).

169           (2) There is created within the department the "Opiate Overdose Outreach Pilot  
170 Program."

171           (3) The department may use funds appropriated for the program to:

172           (a) provide grants under Subsection (4);

173           (b) promote public awareness of the signs, symptoms, and risks of opioid misuse and  
174 overdose;

175           (c) increase the availability of educational materials and other resources designed to  
176 assist individuals at increased risk of opioid overdose, their families, and others in a position to  
177 help prevent or respond to an overdose event;

178           (d) increase public awareness of, access to, and use of opiate antagonist;

179           (e) update the department's Utah Clinical Guidelines on Prescribing Opioids and  
180 promote its use by prescribers and dispensers of opioids;

181           (f) develop a directory of substance misuse treatment programs and promote its  
182 dissemination to and use by opioid prescribers, dispensers, and others in a position to assist  
183 individuals at increased risk of opioid overdose;

184           (g) coordinate a multi-agency coalition to address opioid misuse and overdose; and

185           (h) maintain department data collection efforts designed to guide the development of  
186 opiate overdose interventions and track their effectiveness.

187           (4) No later than September 1, 2016, and with available funding, the department shall  
188 grant funds through the program to persons that are in a position to assist an individual who is  
189 at increased risk of experiencing an opiate-related drug overdose event.

190           (5) Funds granted by the program:

191           (a) may be used by a grantee to:

192           (i) pay for the purchase by the grantee of an opiate antagonist; or

193           (ii) pay for the grantee's cost of providing training on the proper administration of an  
194 opiate antagonist in response to an opiate-related drug overdose event; and

195           (b) may not be used:

196           (i) to pay for costs associated with the storage or dispensing of an opiate antagonist; or

197 (ii) for any other purposes.

198 (6) Grantees shall report annually to the department on the use of granted funds in  
199 accordance with department rules made under Subsection (7)(d).

200 (7) No later than July 1, 2016, the department shall, in accordance with Title 63G,  
201 Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

202 (a) how to apply for a grant from the program;

203 (b) the criteria used by the department to determine whether a grant request is  
204 approved, including criteria providing that:

205 (i) grants are awarded to areas of the state, including rural areas, that would benefit  
206 most from the grant; and

207 (ii) no more than 15% of the total amount granted by the program is used to pay for  
208 grantees' costs of providing training on the proper administration of an opiate antagonist in  
209 response to an opiate-related drug overdose event;

210 (c) the criteria used by the department to determine the amount of a grant;

211 (d) the information a grantee shall report annually to the department under Subsection  
212 (6), including:

213 (i) the amount of opiate antagonist purchased and dispensed by the grantee during the  
214 reporting period;

215 (ii) the number of individuals to whom the opiate antagonist was dispensed by the  
216 grantee;

217 (iii) the number of lives known to have been saved during the reporting period as a  
218 result of opiate antagonist dispensed by the grantee; and

219 (iv) the manner in which the grantee shall record, preserve, and make available for  
220 audit by the department the information described in Subsections (7)(d)(i) through (7)(d)(iii);  
221 and

222 (e) as required by Subsection (1)(a)(i)(G), any other organization that is in a position to  
223 assist an individual who is at increased risk of experiencing an opiate-related drug overdose  
224 event.



225           (8) The department shall report to the Legislature's Social Services Appropriations  
226 Subcommittee no later than September 1 of each year on the outcomes of the Opiate Overdose  
227 Outreach Pilot Program.

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

229           **58-17b-507. Opiate antagonist -- Immunity from liability -- Exclusion from**  
230 **unlawful or unprofessional conduct.**

231           (1) As used in this section:

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

233           (b) "Opiate-related drug overdose event" means the same as that term is defined in  
234 Section [26-55-102](#).

235           ~~[(1)]~~ (2) A person licensed under this chapter ~~[who]~~ that dispenses an opiate antagonist  
236 ~~[as defined in Section [26-55-102](#)]~~ to an individual with a prescription for an opiate antagonist  
237 is not liable for any civil damages resulting from the outcomes ~~[that result from]~~ of the  
238 eventual administration of the opiate antagonist to ~~[a person]~~ an individual who another  
239 ~~[person]~~ individual believes is ~~[suffering]~~ experiencing an opiate-related drug overdose ~~[as~~  
240 ~~defined in Section [26-55-102](#)]~~ event.

241           ~~[(2)]~~ (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose  
242 Response Act, do not establish a duty or standard of care in the prescribing, dispensing, or  
243 administration of an opiate antagonist.

244           ~~[(3)]~~ (4) It is not unprofessional conduct or unlawful conduct for a licensee under this  
245 chapter to dispense an opiate antagonist to a person, including a person described in  
246 Subsections [26-55-105](#)(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of ~~[another person]~~ an  
247 individual if the person obtaining the opiate antagonist has a prescription for the opiate  
248 antagonist from a licensed prescriber.

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

250           **58-31b-703. Opiate antagonist -- Exclusion from unprofessional or unlawful**  
251 **conduct.**

252           ~~[(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies~~

253 to a licensee under this chapter.]

254 (1) As used in this section:

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

256 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.

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

258 (d) "Opiate-related drug overdose event" means the same as that term is defined in  
259 Section 26-55-102.

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

261 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~  
262 26-55-102] by a licensee under this chapter is not unprofessional or unlawful conduct if the  
263 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

266 (b) a family member of, friend of, or other person [~~who~~], including a person described  
267 in Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist [a  
268 ~~person] an individual~~ who [~~may be~~] is at increased risk of experiencing [~~or who is likely to~~  
269 ~~experience~~] an opiate-related drug overdose event.

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

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

274 **58-67-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**  
275 **conduct.**

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

278 (1) As used in this section:

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

280 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.

281 (c) "Opiate antagonist" means the same as that term is defined in Section [26-55-102](#).

282 (d) "Opiate-related drug overdose event" means the same as that term is defined in  
283 Section [26-55-102](#).

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

285 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~  
286 [26-55-102](#)] by a licensee under this chapter is not unprofessional or unlawful conduct if the  
287 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

290 (b) a family member of, friend of, or other person [~~who~~], including a person described  
291 in Subsections [26-55-105](#)(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist [a  
292 person] an individual who [~~may be~~] is at increased risk of experiencing [~~or who is likely to~~  
293 ~~experience~~] an opiate-related drug overdose event.

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

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

298 **58-68-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**  
299 **conduct.**

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

302 (1) As used in this section:

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

304 (b) "Increased risk" means the same as that term is defined in Section [26-55-102](#).

305 (c) "Opiate antagonist" means the same as that term is defined in Section [26-55-102](#).

306 (d) "Opiate-related drug overdose event" means the same as that term is defined in  
307 Section [26-55-102](#).

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

309 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~  
310 ~~26-55-102~~] by a licensee under this chapter is not unprofessional or unlawful conduct if the  
311 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

314 (b) a family member of, friend of, or other person [~~who~~], including a person described  
315 in Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist [a  
316 person] an individual who [~~may be~~] is at increased risk of experiencing [~~or who is likely to~~  
317 ~~experience~~] an opiate-related drug overdose event.

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

321 Section 9. Section ~~58-70a-505~~ is amended to read:

322 **58-70a-505. Opiate antagonist -- Exclusion from unlawful or unprofessional**  
323 **conduct.**

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

326 (1) As used in this section:

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

328 (b) "Increased risk" means the same as that term is defined in Section 26-55-102.

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

330 (d) "Opiate-related drug overdose event" means the same as that term is defined in  
331 Section 26-55-102.

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

333 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~  
334 ~~26-55-102~~] by a licensee under this chapter is not unprofessional or unlawful conduct if the  
335 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

336 (a) [~~a person~~] an individual who is at increased risk of experiencing [~~or who is likely to~~

337 ~~experience]~~ an opiate-related drug overdose event [~~as defined in Section 26-55-102~~]; or

338 (b) a family member of, friend of, or other person [~~who~~], including a person described  
339 in Subsections 26-55-105(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist [a  
340 person] an individual who [~~may be~~] is at increased risk of experiencing [~~or who is likely to~~  
341 ~~experience]~~ an opiate-related drug overdose event.

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

345 Section 10. Section **63J-1-602.1** is amended to read:

346 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**  
347 **1 through Title 30.**

348 (1) Appropriations made to the Legislature and its committees.

349 (2) The Percent-for-Art Program created in Section 9-6-404.

350 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
351 Section 9-18-102.

352 (4) The LeRay McAllister Critical Land Conservation Program created in Section  
353 11-38-301.

354 (5) An appropriation made to the Division of Wildlife Resources for the appraisal and  
355 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

356 (6) Award money under the State Asset Forfeiture Grant Program, as provided under  
357 Section 24-4-117.

358 (7) Funds collected from the program fund for local health department expenses  
359 incurred in responding to a local health emergency under Section 26-1-38.

360 (8) Funds collected from the emergency medical services grant program, as provided in  
361 Section 26-8a-207.

362 (9) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

363 (10) State funds appropriated for matching federal funds in the Children's Health  
364 Insurance Program as provided in Section 26-40-108.

365 (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
366 26-46-102.

367 (12) The primary care grant program created in Section 26-10b-102.

368 (13) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

369 (14) The Opiate Overdose Outreach Pilot Program created in Section 26-55-105.

370 Section 11. **Appropriation.**

371 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
372 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money  
373 are appropriated from resources not otherwise appropriated, or reduced from amounts  
374 previously appropriated, out of the funds or amounts indicated. These sums of money are in  
375 addition to amounts previously appropriated for fiscal year 2017.

376 Item 1. To Department of Health - Disease Control and Prevention

377 From General Fund, One-time \$250,000

378 Schedule of Programs:

379 Opiate Overdose Outreach Pilot Program \$250,000

380 Section 12. **Coordinating H.B. 192 with H.B. 240 -- Substantive and technical**  
381 **amendments.**

382 If this H.B. 192 and H.B. 240, Opiate Overdose Response Act -- Standing Orders and  
383 Other Amendments, both pass and become law, it is the intent of the Legislature that the Office  
384 of Legislative Research and General Counsel shall prepare the Utah Code database for  
385 publication by:

386 (1) renumbering Section 26-55-105 enacted in H.B. 192 to Section 26-55-106 and  
387 renumbering cross references accordingly;

388 (2) modifying Subsection 26-55-104(2) to read:

389 "(2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care  
390 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a  
391 standing prescription drug order issued in accordance with Subsection 26-55-105(2), or  
392 dispense an opiate antagonist:

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

395 (ii) to a family member of, friend of, or other person, including a person described in  
396 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an  
397 individual who is at increased risk of experiencing an opiate-related drug overdose event;

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

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

401 (3) modifying Section 26-55-105 enacted in H.B. 240, to read:

402 "26-55-105. Standing prescription drug orders for an opiate antagonist.

403 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed  
404 under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may  
405 dispense the opiate antagonist:

406 (a) pursuant to a standing prescription drug order made in accordance with Subsection  
407 (2); and

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

410 (2) A physician who is licensed to prescribe an opiate antagonist, including a physician  
411 acting in the physician's capacity as an employee of the department, or a medical director of a  
412 local health department, as defined in Section 26A-1-102, may issue a standing prescription  
413 drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in  
414 accordance with a protocol that:

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

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

418 (ii) a family member of, friend of, or other person, including a person described in  
419 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an  
420 individual who is at increased risk of experiencing an opiate-related drug overdose event;

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

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

425 (d) requires those authorized by the physician to dispense the opiate antagonist to make  
426 and retain a record of each person to whom the opiate antagonist is dispensed, which shall  
427 include:

428 (i) the name of the person;

429 (ii) the drug dispensed; and

430 (iii) other relevant information; and

431 (e) is approved by the Division of Occupational and Professional Licensing within the  
432 Department of Commerce by administrative rule made in accordance with Title 63G, Chapter  
433 3, Utah Administrative Rulemaking Act.";

434 (4) modifying Section 58-17b-507 to read:

435 "(1) As used in this section:

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

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

439 (2) A person licensed under this chapter that dispenses an opiate antagonist to an  
440 individual with a prescription for an opiate antagonist, or pursuant to a standing prescription  
441 drug order issued in accordance with Subsection 26-55-105(2), is not liable for any civil  
442 damages resulting from the outcomes of the eventual administration of the opiate antagonist to  
443 an individual who another individual believes is experiencing an opiate-related drug overdose  
444 event.

445 (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response  
446 Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration  
447 of an opiate antagonist.

448 (4) It is not unprofessional conduct or unlawful conduct for a licensee under this



449 chapter to dispense an opiate antagonist to a person, including a person described in  
450 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person  
451 obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed  
452 prescriber or the opiate antagonist is dispensed pursuant to a standing prescription drug order  
453 issued in accordance with Subsection 26-55-102(2).";

454 (5) modifying Subsections 58-31b-703(1)(a), 58-67-702(1)(a), 58-68-702(1)(a), and  
455 58-70a-505(1)(a) to read:

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

457 (6) modifying Subsections 58-31b-703(1)(e), 58-67-702(1)(e), 58-68-702(1)(e), and  
458 58-70a-505(1)(e) to read:

459 "(e) "Prescribe" means the same as that term is defined in Section 58-17b-102.";

460 (7) modifying Subsection 58-31b-703(2) to read:

461 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this  
462 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the  
463 opiate antagonist in a good faith effort to assist:

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

466 (b) a family member of, friend of, or other person, including a person described in  
467 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an  
468 individual who is at increased risk of experiencing an opiate-related drug overdose event.";

469 (8) modifying Subsection 58-67-702(2) to read:

470 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this  
471 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the  
472 opiate antagonist in a good faith effort to assist:

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

475 (b) a family member of, friend of, or other person, including a person described in  
476 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an

477 individual who is at increased risk of experiencing an opiate-related drug overdose event.";

478 (9) modifying Subsection 58-68-702(2) to read:

479 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this  
480 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the  
481 opiate antagonist:

482 (a) in a good faith effort to assist an individual who is at increased risk of experiencing  
483 an opiate-related drug overdose event; or

484 (b) a family member of, friend of, or other person, including a person described in  
485 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an  
486 individual who is at increased risk of experiencing an opiate-related drug overdose event."; and

487 (10) modifying Subsection 58-70a-505(2) to read:

488 "(2) The prescribing or dispensing of an opiate antagonist by a licensee under this  
489 chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the  
490 opiate antagonist in a good faith effort to assist:

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

493 (b) a family member of, friend of, or other person, including a person described in  
494 Subsections 26-55-106(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an  
495 individual who is at increased risk of experiencing an opiate-related drug overdose event."