

1 **OPIATE OVERDOSE RESPONSE ACT -- STANDING**

2 **ORDERS AND OTHER AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: Evan J. Vickers

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ renames the Emergency Administration of Opiate Antagonist Act as the Opiate
15 Overdose Response Act;
- 16 ▶ amends definitions;
- 17 ▶ authorizes the use of a standing prescription drug order issued by a physician to
18 dispense an opioid antagonist; and
- 19 ▶ makes technical and clarifying changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **26-55-101**, as enacted by Laws of Utah 2014, Chapter 130

27 **26-55-102**, as enacted by Laws of Utah 2014, Chapter 130

28 **26-55-104**, as enacted by Laws of Utah 2014, Chapter 130

29 **58-17b-507**, as enacted by Laws of Utah 2014, Chapter 130

30 58-31b-703, as enacted by Laws of Utah 2014, Chapter 130

31 58-67-702, as enacted by Laws of Utah 2014, Chapter 130

32 58-68-702, as enacted by Laws of Utah 2014, Chapter 130

33 58-70a-505, as enacted by Laws of Utah 2014, Chapter 130

34 ENACTS:

35 26-55-105, Utah Code Annotated 1953



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

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

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

40 **26-55-101. Title.**

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

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

44 **26-55-102. Definitions.**

45 As used in this chapter:

46 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
47 37, Utah Controlled Substances Act.

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

49 [(1)] (3) "Health care facility" means a hospital, a hospice inpatient residence, a
50 nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides
51 home- and community-based services, a hospice or home health care agency, or another facility
52 that provides or contracts to provide health care services, which facility is licensed under
53 Chapter 21, Health Care Facility Licensing and Inspection Act.

54 [(2)] (4) "Health care provider" means:

55 (a) a physician, as defined in Section 58-67-102;

56 (b) an advanced practice registered nurse, as defined in Subsection 58-31b-102(13); or

57 (c) a physician assistant, as defined in Section 58-70a-102.

58 (5) "Increased risk" means risk exceeding the risk typically experienced by an
 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 diagnosis or 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 ~~[who]~~ that acts in good faith to administer an opiate antagonist
 74 to ~~[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 ~~[or]~~ for acts or omissions
 76 made 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 [may be] is
92 in a 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 for acts or omissions made as a 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) shall provide education to the individual [~~described in~~
99 ~~Subsection (2)(a) or (b)] that includes [instructions to take the person who received]
100 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, including a physician
115 acting in the physician's capacity as an employee of the department, or a medical director of a
116 local health department, as defined in Section 26A-1-102, may issue a standing prescription
117 drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in
118 accordance with a protocol that:

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

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

122 (ii) a family member of, friend of, or other individual who is in a position to assist an
123 individual who is at increased risk of experiencing an opiate-related drug overdose event;

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

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

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

131 (i) the name of the individual;

132 (ii) the drug dispensed; and

133 (iii) other relevant information; and

134 (e) is approved by the Division of Occupational and Professional Licensing within the
135 Department of Commerce by administrative rule made in accordance with Title 63G, Chapter
136 3, Utah Administrative Rulemaking Act.

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

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

140 (1) As used in this section:

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

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

144 (2) A person licensed under this chapter [~~who~~] that dispenses an opiate antagonist [~~as~~
145 ~~defined in Section 26-55-102~~] to an individual with a prescription for an opiate antagonist, or
146 pursuant to a standing prescription drug order issued in accordance with Subsection
147 26-55-105(2), is not liable for any civil damages resulting from the outcomes that result from
148 the eventual administration of the opiate antagonist to [~~a person~~] an individual who another
149 [~~person~~] individual believes is [~~suffering~~] experiencing an opiate-related drug overdose [~~as~~
150 ~~defined in Section 26-55-102~~] event.

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

154 [~~3~~] (4) It is not unprofessional conduct or unlawful conduct for a licensee under this
155 chapter to dispense an opiate antagonist to [~~a person~~] an individual on behalf of another
156 [~~person~~] individual if the [~~person~~] individual obtaining the opiate antagonist has a prescription
157 for the opiate antagonist from a licensed prescriber or the opiate antagonist is dispensed
158 pursuant to a standing prescription drug order issued in accordance with Subsection
159 26-55-105(2).

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

161 **58-31b-703. Opiate antagonist -- Exclusion from unprofessional or unlawful**
162 **conduct.**

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

165 (1) As used in this section:

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

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

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

169 (d) "Opiate-related drug overdose event" means the same as that term is defined in

170 Section 26-55-102.

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

172 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
173 26-55-102] by a licensee under this chapter is not unprofessional or unlawful conduct if the
174 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

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

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

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

184 **58-67-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**
185 **conduct.**

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

188 (1) As used in this section:

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

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

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

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

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

195 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
196 26-55-102] by a licensee under this chapter is not unprofessional or unlawful conduct if the
197 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

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

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

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

207 **58-68-702. Opiate antagonist -- Exclusion from unlawful or unprofessional**
208 **conduct.**

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

211 (1) As used in this section:

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

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

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

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

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

218 (2) The prescribing or dispensing of an opiate antagonist ~~[as defined in Section~~
219 ~~26-55-102]~~ by a licensee under this chapter is not unprofessional or unlawful conduct if the
220 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

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

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

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

230 **58-70a-505. Opiate antagonist -- Exclusion from unlawful or unprofessional**
231 **conduct.**

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

234 (1) As used in this section:

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

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

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

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

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

241 (2) The prescribing or dispensing of an opiate antagonist [~~as defined in Section~~
242 [26-55-102](#)] by a licensee under this chapter is not unprofessional or unlawful conduct if the
243 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

246 (b) a family member of, friend of, or other [~~person~~] individual who is in a position to
247 assist [~~a person~~] an individual who [~~maybe~~] is at increased risk of experiencing [~~or who is~~
248 ~~likely to experience~~] an opiate-related drug overdose event.

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