

HOUSE CS FOR CS FOR SENATE BILL NO. 23(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 2/5/16

Referred: Judiciary

Sponsor(s): SENATORS ELLIS, Gardner, Costello, McGuire, Stevens, Micciche, Bishop, Egan, Stedman, Olson

REPRESENTATIVES Muñoz, Wool, Kito

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of pharmacy; relating to the dispensing of opioid**
2 **overdose drugs by a pharmacist; and relating to opioid overdose drugs and to immunity**
3 **for prescribing, providing, or administering opioid overdose drugs."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 08.80.030(b) is amended to read:

6 (b) In order to fulfill its responsibilities, the board has the powers necessary
7 for implementation and enforcement of this chapter, including the power to

8 (1) elect a president and secretary from its membership and adopt rules
9 for the conduct of its business;

10 (2) license by examination or by license transfer the applicants who are
11 qualified to engage in the practice of pharmacy;

12 (3) assist the department in inspections and investigations for
13 violations of this chapter, or of any other state or federal statute relating to the practice
14 of pharmacy;

- 1 (4) adopt regulations to carry out the purposes of this chapter;
- 2 (5) establish and enforce compliance with professional standards and
3 rules of conduct for pharmacists engaged in the practice of pharmacy;
- 4 (6) determine standards for recognition and approval of degree
5 programs of schools and colleges of pharmacy whose graduates shall be eligible for
6 licensure in this state, including the specification and enforcement of requirements for
7 practical training, including internships;
- 8 (7) establish for pharmacists and pharmacies minimum specifications
9 for the physical facilities, technical equipment, personnel, and procedures for the
10 storage, compounding, and dispensing of drugs or related devices, and for the
11 monitoring of drug therapy;
- 12 (8) enforce the provisions of this chapter relating to the conduct or
13 competence of pharmacists practicing in the state, and the suspension, revocation, or
14 restriction of licenses to engage in the practice of pharmacy;
- 15 (9) license and regulate the training, qualifications, and employment of
16 pharmacy interns and pharmacy technicians;
- 17 (10) issue licenses to persons engaged in the manufacture and
18 distribution of drugs and related devices;
- 19 (11) establish and maintain a controlled substance prescription
20 database as provided in AS 17.30.200;
- 21 (12) establish standards for the independent administration by a
22 pharmacist of vaccines and related emergency medications under AS 08.80.168,
23 including the completion of an immunization training program approved by the board;
- 24 **(13) establish standards for the independent dispensing by a**
25 **pharmacist of an opioid overdose drug under AS 17.20.085, including the**
26 **completion of an opioid overdose training program approved by the board.**

27 * **Sec. 2.** AS 08.80.168(b) is amended to read:

28 (b) In this section,

29 **(1) "opioid overdose drug" has the meaning given in AS 17.20.085;**

30 **(2) "related emergency medication" includes an epinephrine injection**
31 **or other medication for the treatment of a severe allergic reaction to a vaccine.**

1 * **Sec. 3.** AS 08.80.168 is amended by adding a new subsection to read:

2 (c) A pharmacist may independently dispense an opioid overdose drug if the
3 pharmacist has completed an opioid overdose drug training program approved by the
4 board and otherwise complies with the standards established by the board under
5 AS 08.80.030(b).

6 * **Sec. 4.** AS 08.80.480(27) is amended to read:

7 (27) "practice of pharmacy" means the interpretation, evaluation, and
8 dispensing of prescription drug orders in the patient's best interest; participation in
9 drug and device selection, drug administration, drug regimen reviews, and drug or
10 drug-related research; provision of patient counseling and the provision of those acts
11 or services necessary to provide pharmaceutical care; the administration of vaccines
12 and related emergency medication; the independent dispensing of opioid overdose
13 drugs; and the responsibility for compounding and labeling of drugs and devices
14 except labeling by a manufacturer, repackager, or distributor of nonprescription drugs
15 and commercially packaged legend drugs and devices; proper and safe storage of
16 drugs and devices; and maintenance of proper records for them;

17 * **Sec. 5.** AS 09.65 is amended by adding a new section to read:

18 **Sec. 09.65.340. Immunity for prescribing, providing, or administering an**
19 **opioid overdose drug.** (a) Except as provided in (c) of this section, a person is not
20 liable for civil damages resulting from an act or omission in prescribing or providing
21 an opioid overdose drug to a person at risk of experiencing an opioid overdose or to a
22 family member, friend, caregiver, or other person in a position to administer an opioid
23 overdose drug to a person at risk of experiencing an opioid overdose if

24 (1) the person

25 (A) prescribing or providing the opioid overdose drug is a
26 health care provider; or

27 (B) providing the opioid overdose drug is an employee or
28 volunteer of an opioid overdose program; and

29 (2) each person to whom the opioid overdose drug is prescribed or
30 provided has been educated and trained in the proper emergency use and
31 administration of the opioid overdose drug by the health care provider or the opioid

1 overdose program; education and training under this paragraph may be provided by
 2 any reasonable means, including through the use of electronic, video, or automated
 3 education or training resources.

4 (b) Except as provided in (c) of this section, a person who administers an
 5 opioid overdose drug to another person who the person reasonably believes is
 6 experiencing an opioid overdose emergency is not liable for civil damages resulting
 7 from an act or omission in the emergency administration of the opioid overdose drug
 8 if the person

9 (1) was prescribed or provided the opioid overdose drug by a health
 10 care provider or an opioid overdose program; and

11 (2) received education and training in the proper emergency use and
 12 administration of the opioid overdose drug by the health care provider or the opioid
 13 overdose program; education and training under this paragraph may be provided by
 14 any reasonable means, including through the use of electronic, video, or automated
 15 education or training resources.

16 (c) This section does not preclude liability for civil damages that are the result
 17 of gross negligence or reckless or intentional misconduct.

18 (d) In this section,

19 (1) "health care provider" means a licensed physician, advanced nurse
 20 practitioner, physician assistant, nurse, village health aide, or pharmacist operating
 21 within the scope of the health care provider's authority;

22 (2) "opioid" includes the opium and opiate substances and opium and
 23 opiate derivatives listed in AS 11.71.140;

24 (3) "opioid overdose drug" means a drug that reverses in whole or part
 25 the pharmacological effects of an opioid overdose;

26 (4) "opioid overdose program" means a program that provides opioid
 27 overdose drugs to persons at risk of experiencing an opioid overdose or to a family
 28 member, friend, or other person in a position to assist a person at risk of experiencing
 29 an opioid overdose.

30 * **Sec. 6.** AS 17.20 is amended by adding a new section to read:

31 **Sec. 17.20.085. Opioid overdose drugs.** (a) Notwithstanding a provision or

1 rule of law to the contrary, a health care provider authorized to prescribe an opioid
2 overdose drug may prescribe an opioid overdose drug directly or by standing order or
3 protocol to a person at risk of experiencing an opioid overdose or to a family member,
4 friend, caregiver, or other person in a position to administer an opioid overdose drug
5 to a person at risk of experiencing an opioid overdose.

6 (b) An employee or volunteer of an opioid overdose program, if acting under a
7 standing order or protocol under (a) of this section, notwithstanding a provision or rule
8 of law to the contrary, may receive a supply of opioid overdose drugs, possess opioid
9 overdose drugs, and provide an opioid overdose drug to a person at risk of
10 experiencing an opioid overdose or to a family member, friend, caregiver, or other
11 person in a position to administer an opioid overdose drug to a person at risk of
12 experiencing an opioid overdose.

13 (c) In this section,

14 (1) "health care provider" means a licensed physician, advanced nurse
15 practitioner, physician assistant, nurse, village health aide, or pharmacist operating
16 within the scope of the health care provider's authority;

17 (2) "opioid" includes the opium and opiate substances and opium and
18 opiate derivatives listed in AS 11.71.140;

19 (3) "opioid overdose drug" means a drug that reverses in whole or part
20 the pharmacological effects of an opioid overdose;

21 (4) "opioid overdose program" means a program that provides opioid
22 overdose drugs to persons at risk of experiencing an opioid overdose or to a family
23 member, friend, or other person in a position to assist a person at risk of experiencing
24 an opioid overdose.