

1 HB208  
2 164495-2  
3 By Representatives Treadaway and Faulkner  
4 RFD: Health  
5 First Read: 10-MAR-15

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8 SYNOPSIS: This bill would authorize a physician or  
9 dentist to prescribe an opioid antagonist to an  
10 individual at risk of experiencing an  
11 opiate-related overdose or to an individual who is  
12 in a position to assist another individual at risk  
13 of experiencing an opiate-related overdose.

14 This bill would provide immunity to a  
15 physician or dentist who prescribes an opioid  
16 antagonist and to an individual who administers an  
17 opioid antagonist.

18 This bill would provide immunity from  
19 prosecution for possession or consumption of  
20 alcohol for an individual under the age of 21 or a  
21 misdemeanor controlled substance offense by any  
22 individual who seeks medical assistance for another  
23 individual under certain circumstances.

24 This bill would also require the Alabama  
25 Department of Public Health to approve a specific  
26 training curriculum for certain law enforcement

1           officers relating to the administration of opioid  
2           antagonists.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to drug overdoses; to authorize a physician  
9           or dentist to prescribe an opioid antagonist to an individual  
10          at risk of experiencing an opiate-related overdose or to an  
11          individual who is in a position to assist another individual  
12          at risk of experiencing an opiate-related overdose; to provide  
13          immunity to a physician or dentist who prescribes an opioid  
14          antagonist and to an individual who administers an opioid  
15          antagonist; to provide immunity from prosecution for  
16          possession or consumption of alcohol for an individual under  
17          the age of 21 or certain controlled substance offenses by any  
18          individual who seeks medical assistance for another individual  
19          under certain circumstances; and to require relevant training  
20          for certain law enforcement officers.

21          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                        Section 1. (a) For the purposes of this section,  
23          "opioid antagonist" means naloxone hydrochloride that is  
24          approved by the federal Food and Drug Administration for the  
25          treatment of a drug overdose.

26                        (b) A physician licensed under Article 3, Chapter  
27          24, Title 34, Code of Alabama 1975, or dentist licensed under

1 Chapter 9, Title 34, Code of Alabama 1975, acting in good  
2 faith and exercising reasonable care, may directly or by  
3 standing order prescribe an opioid antagonist to either of the  
4 following:

5 (1) An individual at risk of experiencing an  
6 opiate-related overdose.

7 (2) A family member, friend, or other individual,  
8 including law enforcement, in a position to assist an  
9 individual at risk of experiencing an opiate-related overdose.

10 (c) As an indicator of good faith, the physician or  
11 dentist, prior to prescribing an opioid antagonist under this  
12 section, may require receipt of a written communication that  
13 provides a factual basis for a reasonable conclusion as to  
14 either of the following:

15 (1) The individual seeking the opioid antagonist is  
16 at risk of experiencing an opiate-related overdose.

17 (2) The individual other than the individual at risk  
18 of experiencing an opiate-related overdose and who is seeking  
19 the opioid antagonist is in relation to the individual at risk  
20 of experiencing an opiate-related overdose as a family member,  
21 friend, or otherwise in the position to assist the individual.

22 (d) An individual who receives an opioid antagonist  
23 that was prescribed pursuant to subsection (b) may administer  
24 an opioid antagonist to another individual if he or she has a  
25 good faith belief that the other individual is experiencing an  
26 opiate-related overdose and he or she exercises reasonable  
27 care in administering the opioid antagonist. Evidence of

1 exercising reasonable care in administering the opioid  
2 antagonist shall include the receipt of basic instruction and  
3 information on how to administer the opioid antagonist.

4 (e) All of the following individuals are immune from  
5 any civil or criminal liability for actions authorized under  
6 this section absent unreasonable, wanton, willful, or  
7 intentional conduct:

8 (1) A physician or dentist who prescribes an opioid  
9 antagonist pursuant to subsection (b).

10 (2) A individual who administers an opioid  
11 antagonist pursuant to subsection (d).

12 (3) A pharmacist who dispenses an opioid antagonist  
13 pursuant to subsection (b).

14 Section 2. (a) Notwithstanding any other law to the  
15 contrary, an individual under 21 years of age may not be  
16 prosecuted for the possession or consumption of alcoholic  
17 beverages if law enforcement, including campus safety police,  
18 became aware of the possession or consumption of alcohol  
19 solely because the individual was seeking medical assistance  
20 for another individual.

21 (b) Notwithstanding any other law to the contrary,  
22 an individual may not be prosecuted for a misdemeanor  
23 controlled substance offense if law enforcement became aware  
24 of the offense solely because the individual was seeking  
25 medical assistance for another individual.

1           (c) This section shall apply if, when seeking  
2 medical assistance on behalf of another, the individual did  
3 all of the following:

4           (1) Acted in good faith, upon a reasonable belief  
5 that he or she was the first to call for assistance.

6           (2) Used his or her own name when contacting  
7 authorities.

8           (3) Remained with the individual needing medical  
9 assistance until help arrived.

10           Section 3. On or before January 1, 2016, the Alabama  
11 Department of Public Health shall approve a specific training  
12 curriculum for completion by law enforcement officers who  
13 elect to carry and administer opioid antagonists.

14           Section 4. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.