

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 187

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AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-18-2-298.5, AS ADDED BY P.L.138-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 298.5. **(a)** "Public health authority", for purposes of IC 16-22-8 and IC 16-41-9, means:

- (1) the state health commissioner of the state department;
- (2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner;
- (3) the local health officer; or
- (4) a health and hospital corporation established under IC 16-22-8-6.

**(b) "Public health authority", for purposes of IC 16-42-27, means any of the following who is a licensed prescriber:**

- (1) A deputy or assistant state health commissioner appointed by the state health commissioner to act as a public health authority.**
- (2) An agent employed by the state department that is expressly authorized by the state health commissioner to act as a public health authority.**

SECTION 2. IC 16-19-4-4, AS AMENDED BY P.L.126-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The state health commissioner is governed



in the performance of the state health commissioner's official duties by IC 4-2-6 and IC 35-44.1-1-4 concerning ethics and conflict of interest.

(b) To learn professional skills and to become familiar with new developments in the field of medicine, **and except as provided in IC 16-42-27-2(f)**, the state health commissioner may, in an individual capacity as a licensed physician and not in an official capacity as state health commissioner, engage in the practice of medicine if the practice of medicine does not interfere with the performance of the state health commissioner's duties as state health commissioner.

SECTION 3. IC 16-19-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **This section does not apply to the prescribing, dispensing, or issuance of a standing order for an overdose intervention drug under IC 16-42-27-2.** Any medical care provided to a patient by the state health commissioner is provided by the state health commissioner in an individual capacity as a licensed physician and the state is not liable for any act performed by the state health commissioner in this capacity.

SECTION 4. IC 16-31-3-23.7, AS ADDED BY P.L.32-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23.7. **(a)** An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:

- (1) administers an overdose intervention drug; or
- (2) is summoned immediately after ~~administering the an~~ overdose intervention drug **is administered;**

~~shall report inform the emergency ambulance service responsible for submitting the report to the commission of the number of times an overdose intervention drug is dispensed to the state department under the state trauma registry in compliance with rules adopted by the state department.~~ **has been administered.**

**(b) The emergency ambulance service shall include information received under subsection (a) in the emergency ambulance service's report to the commission under the emergency medical services system review in accordance with the commission's rules.**

SECTION 5. IC 16-42-27-1, AS ADDED BY P.L.32-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "prescriber" means any of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory



physician and in accordance with IC 25-27.5-5-4.

(3) An advanced practice nurse licensed and granted the authority to prescribe drugs under IC 25-23.

**(4) The state health commissioner, if the state health commissioner holds an active license under IC 25-22.5.**

**(5) A public health authority.**

SECTION 6. IC 16-42-27-2, AS ADDED BY P.L.32-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without examining the individual to whom it may be administered if all of the following conditions are met:

- (1) The overdose intervention drug is dispensed or prescribed to:
  - (A) a person at risk of experiencing an opioid-related overdose; or
  - (B) a family member, a friend, or any other individual or entity in a position to assist an individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose.
- (2) The prescriber instructs the individual receiving the overdose intervention drug or prescription to summon emergency services either immediately before or immediately after administering the overdose intervention drug to an individual experiencing an opioid-related overdose.
- (3) The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
- (4) The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(b) A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

(c) An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.

(d) An individual described in subsection (a)(1) may not be considered to be practicing medicine without a license in violation of IC 25-22.5-8-2, if the individual, acting in good faith, does the following:



- (1) Obtains the overdose intervention drug from a prescriber **or entity acting under a standing order issued by a prescriber.**
  - (2) Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.
  - (3) Attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.
- (e) An entity acting under a standing order issued by a prescriber must do the following:
- (1) Annually register with either the:
    - (A) state department; or
    - (B) local health department in the county where services will be provided by the entity;
 in a manner prescribed by the state department.
  - (2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
  - (3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
  - (4) **Submit an annual report to the state department containing:**
    - (A) **the number of sales of the overdose intervention drug dispensed;**
    - (B) **the dates of sale of the overdose intervention drug dispensed; and**
    - (C) **any additional information requested by the state department.**
- (f) **The state department shall ensure that a statewide standing order for the dispensing of an overdose intervention drug in Indiana is issued under this section. The state health commissioner or a designated public health authority who is a licensed prescriber may, as part of the individual's official capacity, issue a statewide standing order that may be used for the dispensing of an overdose intervention drug under this section. The immunity provided in IC 34-13-3-3 applies to an individual described in this subsection.**
- (g) **A law enforcement officer may not take an individual into custody based solely on the commission of an offense described in subsection (h), if the law enforcement officer, after making a**



reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the individual:

- (1) obtained the overdose intervention drug as described in subsection (a)(1);
- (2) complied with the provisions in subsection (d);
- (3) administered an overdose intervention drug to an individual who appeared to be experiencing an opioid-related overdose;
- (4) provided:
  - (A) the individual's full name; and
  - (B) any other relevant information requested by the law enforcement officer;
- (5) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived;
- (6) cooperated with emergency medical assistance personnel and law enforcement officers at the scene; and
- (7) came into contact with law enforcement because the individual requested emergency medical assistance for another individual who appeared to be experiencing an opioid-related overdose.

(h) An individual who meets the criteria in subsection (g) is immune from criminal prosecution for the following:

- (1) IC 35-48-4-6 (possession of cocaine).
- (2) IC 35-48-4-6.1 (possession of methamphetamine).
- (3) IC 35-48-4-7 (possession of a controlled substance).
- (4) IC 35-48-4-8.3 (possession of paraphernalia).
- (5) IC 35-48-4-11 (possession of marijuana).
- (6) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic drug lookalike substance).



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

