

**OPIATE OVERDOSE EMERGENCY TREATMENT**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Emergency Administration of Opiate Antagonist Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ permits the dispensing and administration of an opiate antagonist to a person who is reasonably believed to be experiencing an opiate-related drug overdose event;
- ▶ establishes immunity for the good faith administration of an opiate antagonist;
- ▶ clarifies that the administration of an opiate antagonist is voluntary and that the act does not establish a duty to administer an opiate antagonist;
- ▶ clarifies that it is not unlawful or unprofessional conduct for certain health professionals to prescribe an opiate antagonist to:
  - a person at increased risk of experiencing an opiate-related drug overdose event;
- or
- a family member, friend, or other person in a position to assist a person who is at increased risk of experiencing an opiate-related drug overdose; and
- ▶ requires a person who prescribes or dispenses an opiate antagonist to advise a person to seek a medical evaluation after experiencing a drug overdose and taking an opiate antagonist.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **26-55-101**, Utah Code Annotated 1953

34 **26-55-102**, Utah Code Annotated 1953

35 **26-55-103**, Utah Code Annotated 1953

36 **26-55-104**, Utah Code Annotated 1953

37 **58-17b-507**, Utah Code Annotated 1953

38 **58-31b-703**, Utah Code Annotated 1953

39 **58-67-702**, Utah Code Annotated 1953

40 **58-68-702**, Utah Code Annotated 1953

41 **58-70a-505**, Utah Code Annotated 1953



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

44 Section 1. Section **26-55-101** is enacted to read:

45 **CHAPTER 55. EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST ACT**

46 **26-55-101. Title.**

47 This chapter is known as the "Emergency Administration of Opiate Antagonist Act."

48 Section 2. Section **26-55-102** is enacted to read:

49 **26-55-102. Definitions.**

50 As used in this chapter:

51 (1) "Health care facility" means a hospital, a hospice inpatient residence, a nursing  
52 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-  
53 and community-based services, a hospice or home health care agency, or another facility that  
54 provides or contracts to provide health care services, which facility is licensed under Chapter  
55 21, Health Care Facility Licensing and Inspection Act.

56 (2) "Health care provider" means:

57 (a) a physician as defined in Section **58-67-102**;

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

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

60 (3) "Opiate" is as defined in Section 58-37-2.

61 (4) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that  
62 is not a controlled substance and that is approved by the federal Food and Drug Administration  
63 for the treatment of a drug overdose.

64 (5) "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 be an opiate-related drug overdose  
68 event that requires medical assistance.

69 Section 3. Section 26-55-103 is enacted to read:

70 **26-55-103. Voluntary participation.**

71 This chapter does not create a duty or standard of care for a person to prescribe or  
72 administer an opiate antagonist.

73 Section 4. Section 26-55-104 is enacted to read:

74 **26-55-104. Authority to obtain and use an emergency opiate antagonist --**  
75 **Immunity from liability.**

76 (1) A person other than a health care facility or health care provider who acts in good  
77 faith to administer an opiate antagonist to another person whom the person believes to be  
78 suffering an opiate-related drug overdose event is not liable for any civil damages or acts or  
79 omissions made as a result of administering the opiate antagonist.

80 (2) A person who is licensed to prescribe or dispense an opiate antagonist is not liable  
81 for any civil damages resulting from prescribing or dispensing an opiate antagonist in good  
82 faith to:

83 (a) an individual who is at increased risk of experiencing or who is likely to experience  
84 an opiate-related drug overdose event; or

85 (b) a family member, friend, or other person who is in a position to assist the individual  
86 who is at increased risk of experiencing or who is likely to experience an opiate-related drug  
87 overdose event.

88 (3) A person who prescribes or dispenses an opiate antagonist shall provide education  
89 to the individual described in Subsection (2)(a) or (b) that includes instructions to take the

90 person who received the opiate antagonist to the hospital for a medical evaluation.

91 Section 5. Section **58-17b-507** is enacted to read:

92 **58-17b-507. Opiate antagonist -- Immunity from liability.**

93 (1) A person licensed under this chapter who dispenses an opiate antagonist as defined  
94 in Section [26-55-102](#) to an individual with a prescription for an opiate antagonist is not liable  
95 for any civil damages resulting from the outcomes that result from the eventual administration  
96 of the opiate antagonist to a person who another person believes is suffering an opiate-related  
97 drug overdose as defined in Section [26-55-102](#).

98 (2) The provisions of this section do not establish a duty or standard of care in the  
99 prescribing, dispensing, or administration of an opiate antagonist.

100 (3) It is not unprofessional conduct or unlawful conduct for a licensee under this  
101 chapter to dispense an opiate antagonist to a person on behalf of another person if the person  
102 obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed  
103 prescriber.

104 Section 6. Section **58-31b-703** is enacted to read:

105 **58-31b-703. Opiate antagonist -- Immunity from liability.**

106 (1) The prescribing or dispensing of an opiate antagonist as defined in Section  
107 [26-55-102](#) by a licensee under this chapter is not unprofessional or unlawful conduct if the  
108 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

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

111 (b) a family member, friend, or other person who is in a position to assist a person who  
112 is at increased risk of experiencing or who is likely to experience an opiate-related drug  
113 overdose event.

114 (2) The provisions of this section do not establish a duty or standard of care in the  
115 prescribing, dispensing, or administration of an opiate antagonist.

116 Section 7. Section **58-67-702** is enacted to read:

117 **58-67-702. Opiate antagonist -- Immunity from liability.**

118 (1) The prescribing or dispensing of an opiate antagonist as defined in Section  
119 [26-55-102](#) by a licensee under this chapter is not unprofessional or unlawful conduct if the  
120 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

121 (a) a person who is at increased risk of experiencing or who is likely to experience an  
122 opiate-related drug overdose event as defined in Section 26-55-102; or

123 (b) a family member, friend, or other person who is in a position to assist a person who  
124 is at increased risk of experiencing or who is likely to experience an opiate-related drug  
125 overdose event.

126 (2) The provisions of this section do not establish a duty or standard of care in the  
127 prescribing, dispensing, or administration of an opiate antagonist.

128 Section 8. Section **58-68-702** is enacted to read:

129 **58-68-702. Opiate antagonist -- Immunity from liability.**

130 (1) The prescribing or dispensing of an opiate antagonist as defined in Section  
131 26-55-102 by a licensee under this chapter is not unprofessional or unlawful conduct if the  
132 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

133 (a) a person who is at increased risk of experiencing or who is likely to experience an  
134 opiate-related drug overdose event as defined in Section 26-55-102; or

135 (b) a family member, friend, or other person who is in a position to assist a person who  
136 is at increased risk of experiencing or who is likely to experience an opiate-related drug  
137 overdose event.

138 (2) The provisions of this section do not establish a duty or standard of care in the  
139 prescribing, dispensing, or administration of an opiate antagonist.

140 Section 9. Section **58-70a-505** is enacted to read:

141 **58-70a-505. Opiate antagonist -- Immunity from liability.**

142 (1) The prescribing or dispensing of an opiate antagonist as defined in Section  
143 26-55-102 by a licensee under this chapter is not unprofessional or unlawful conduct if the  
144 licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

145 (a) a person who is at increased risk of experiencing or who is likely to experience an  
146 opiate-related drug overdose event as defined in Section 26-55-102; or

147 (b) a family member, friend, or other person who is in a position to assist a person who  
148 is at increased risk of experiencing or who is likely to experience an opiate-related drug  
149 overdose event.

150 (2) The provisions of this section do not establish a duty or standard of care in the  
151 prescribing, dispensing, or administration of an opiate antagonist.

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**Legislative Review Note**  
**as of 2-6-14 8:21 AM**

**Office of Legislative Research and General Counsel**