

FINAL PROPOSAL
Common Provision on Opiate Antagonists

12-30-109. Prescribing or dispensing opiate antagonists - authorized recipients - definitions. (1) (a) [~~Formerly 12-36-117.7 (1)~~] A ~~physician or physician assistant licensed pursuant to this article~~ PRESCRIBER may prescribe or dispense, directly or in accordance with standing orders and protocols, AND A PHARMACIST MAY DISPENSE, PURSUANT TO AN ORDER OR STANDING ORDERS AND PROTOCOLS, an opiate antagonist to:

- (a) (I) An individual at risk of experiencing an opiate-related drug overdose event;
- (b) (II) A family member, friend, or other person in a position to assist an individual at risk of experiencing an opiate-related drug overdose event;
- (c) (III) An employee or volunteer of a harm reduction organization; or
- (d) (IV) A first responder.

(b) [~~Formerly 12-42.5-120 (3)(d)(I)~~] A first responder or an employee or volunteer of a harm reduction organization may, pursuant to an order or standing orders and protocols:

- (A) (I) Possess an opiate antagonist;
- (B) (II) Furnish an opiate antagonist to a family member, friend, or other person who is in a position to assist an individual who is at risk of experiencing an opiate-related drug overdose event; or
- (C) (III) Administer an opiate antagonist to an individual experiencing, or who a reasonable person would believe is experiencing, an opiate-related drug overdose event.

(2) (a) [~~Formerly 12-36-117.7 (2)~~] A ~~licensed physician or physician assistant~~ PRESCRIBER who prescribes or dispenses, OR A PHARMACIST WHO DISPENSES, an opiate antagonist pursuant to this section is strongly encouraged to educate persons receiving the opiate antagonist on the use of an opiate antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opiate antagonist.

(b) [~~Formerly 12-42.5-120 (3)(d)(II)~~] A first responder or harm reduction organization is strongly encouraged to educate its employees and volunteers, as well as persons receiving an opiate antagonist from the first responder or harm reduction organization, on the use of an opiate antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opiate antagonist.

(3) [~~Formerly 12-36-117.7 (3)~~] A ~~licensed physician or physician assistant~~ PRESCRIBER DESCRIBED IN SUBSECTION (6)(h)(I) OF THIS SECTION OR PHARMACIST does not engage in unprofessional conduct pursuant to section ~~12-36-117~~ **12-240-121** OR **12-280-126**, RESPECTIVELY, AND A PRESCRIBER DESCRIBED IN SUBSECTION (6)(h)(II) OF THIS SECTION

DOES NOT ENGAGE IN CONDUCT THAT IS GROUNDS FOR DISCIPLINE PURSUANT TO SECTION **12-255-120**, if the ~~physician or physician assistant~~ PRESCRIBER issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses, OR THE PHARMACIST DISPENSES, PURSUANT TO AN ORDER OR STANDING ORDERS AND PROTOCOLS, an opiate antagonist in a good-faith effort to assist:

(a) An individual who is at risk of experiencing an opiate-related drug overdose event;

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

(c) A first responder or an employee or volunteer of a harm reduction organization in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual.

(4) (a) [**Formerly 12-36-117.7 (4)**] A ~~licensed physician or physician assistant~~ PRESCRIBER OR PHARMACIST who prescribes or dispenses an opiate antagonist in accordance with this section is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (4) and 18-1-712 (3), ~~€R.S.~~, respectively.

(b) [**Formerly 12-42.5-120 (3)(d)(III)**] A first responder or an employee or volunteer of a harm reduction organization acting in accordance with this ~~paragraph (d)~~ SECTION is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), ~~€R.S.~~, respectively.

(5) [**Formerly 12-36-117.7 (5)**] This section does not establish a duty or standard of care FOR PRESCRIBERS regarding the prescribing, dispensing, or administering of an opiate antagonist.

(6) NOTHING IN THIS SECTION LIMITS OR OTHERWISE AFFECTS THE PRESCRIPTIVE AUTHORITY OF A HEALTH CARE PROFESSIONAL LICENSED UNDER ARTICLE 220, 275, 290, OR 315 OF THIS TITLE 12.

(7) [**Formerly 12-36-117.7 (6)**] As used in this section:

(a) "First responder" means:

(I) A peace officer, as defined in section 16-2.5-101; ~~€R.S.~~;

(II) A firefighter, as defined in section 29-5-203 (10); ~~€R.S.~~; or

(III) A volunteer firefighter, as defined in section 31-30-1102 (9). ~~€R.S.~~

(b) "Harm reduction organization" means an organization that provides services, including medical care, counseling, homeless services, or drug treatment, to individuals at risk of experiencing an opiate-related drug overdose event or to the friends and family members of an at-risk individual.

(c) "Opiate" has the same meaning as set forth in section 18-18-102 (21). ~~€R.S.~~

(d) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug

that is not a controlled substance and that is approved by the federal food and drug administration for the treatment of a drug overdose.

(e) "Opiate-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression, that:

(I) Results from the consumption or use of a controlled substance or another substance with which a controlled substance was combined;

(II) A layperson would reasonably believe to be caused by an opiate-related drug overdose event; and

(III) Requires medical assistance.

(f) "ORDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-280-103 (31).

(g) "PHARMACIST" MEANS AN INDIVIDUAL LICENSED BY THE STATE PURSUANT TO ARTICLE 280 OF THIS TITLE 12 TO ENGAGE IN THE PRACTICE OF PHARMACY.

(h) "PRESCRIBER" MEANS:

(I) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12; OR

(II) AN ADVANCED PRACTICE NURSE, AS DEFINED IN SECTION 12-255-104 (1), WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112.

(f) (i) "Protocol" means a specific written plan for a course of medical treatment containing a written set of specific directions created by a physician, group of physicians, hospital medical committee, pharmacy and therapeutics committee, or other similar practitioners or groups of practitioners with expertise in the use of opiate antagonists.

(g) (j) "Standing order" means a prescription order written by a ~~physician or physician assistant~~ PRESCRIBER that is not specific to and does not identify a particular patient.