

1 HB379
2 175235-3
3 By Representatives Sells, Weaver, Harper, South, McCutcheon,
4 Harbison, Butler, Mooney, Hanes, Williams (JW), Wilcox, Scott,
5 Givan, Rogers, Moore (M), Ingram, Polizos, Baker and Beech
6 RFD: Health
7 First Read: 08-MAR-16

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ENROLLED, An Act,

To provide that the State Health Officer or a county health officer shall have authority to publish the standing orders, or other requirements that shall be followed, for dispensing opioid antagonists under Section 20-2-280, Code of Alabama 1975; to provide that any individual otherwise qualified, including a registered nurse in the employment of the State Health Department or a county health department, who dispenses in accordance with the standing order and other requirements shall have authority to dispense opioid antagonists as provided under Section 20-2-280, Code of Alabama 1975; and to amend Section 20-2-280, Code of Alabama 1975, to clarify that rescue squads and volunteer fire departments may dispense opioid antagonists; and to provide liability protections for the State Health Officer or a county health officer when performing this function.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The State Health Officer or the respective county health officers shall have authority to publish the standing order or orders, including any necessary guidelines or other requirements that shall be followed, for dispensing opioid antagonists under Section 20-2-280, Code of Alabama 1975, in their jurisdictions.

1 Section 2. Any individual dispensing an opioid
2 antagonist pursuant to Section 20-2-280, Code of Alabama 1975,
3 who is otherwise qualified, including a registered nurse in
4 the employment of the State Health Department or a county
5 health department, and who complies with the standing order or
6 orders and other requirements of the State Health Office or a
7 county health officer shall have authority to dispense an
8 opioid antagonist as provided under Section 20-2-280, Code of
9 Alabama 1975.

10 Section 3. Section 20-2-280 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§20-2-280.

13 "(a) For the purposes of this section, "opioid
14 antagonist" means naloxone hydrochloride or other similarly
15 acting drug that is approved by the federal Food and Drug
16 Administration for the treatment of an opioid overdose.

17 "(b) A physician licensed under Article 3 of Chapter
18 24 of Title 34, or dentist licensed under Chapter 9 of Title
19 34, acting in good faith may directly or by standing order
20 prescribe, and a pharmacist licensed under Chapter 23 of Title
21 34, or a registered nurse in the employment of the State
22 Health Department or a county health department, may dispense,
23 an opioid antagonist to either of the following:

24 "(1) An individual at risk of experiencing an
25 opiate-related overdose.

1 "(2) A family member, friend, member of a fire
2 department, rescue squad, volunteer fire department personnel,
3 or other individual, including law enforcement, in a position
4 to assist an individual at risk of experiencing an
5 opiate-related overdose.

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

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

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

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

1 antagonist shall include the receipt of basic instruction and
2 information on how to administer the opioid antagonist.

3 "(e) All of the following individuals are immune
4 from any civil or criminal liability for actions authorized
5 under this article:

6 "(1) A physician or dentist who prescribes an opioid
7 antagonist pursuant to subsection (b) and who has no
8 managerial authority over the individuals administering the
9 opioid antagonist or the State Health Officer or any county
10 health officer who issues standing orders or other
11 requirements pursuant to subsection (b).

12 "(2) An individual who administers an opioid
13 antagonist pursuant to subsection (d).

14 "(3) A pharmacist, or registered nurse in the
15 employment of the State Health Department or a county health
16 department, who dispenses an opioid antagonist pursuant to
17 subsection (b)."

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-MAR-16, as amended.

Jeff Woodard
Clerk

Senate

03-MAY-16

Passed