

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 15-053

BY SENATOR(S) Aguilar, Crowder, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Steadman, Todd, Ulibarri;
also REPRESENTATIVE(S) McCann and Lontine, Brown, Duran, Esgar, Fields, Ginal, Hamner, Humphrey, Kagan, Klingenschmitt, Lebsock, Lee, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Singer, Vigil, Young.

CONCERNING THE ABILITY TO FURNISH A SUPPLY OF EMERGENCY DRUGS FOR PURPOSES OF TREATING INDIVIDUALS WHO MAY EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 12-36-117.7 as follows:

12-36-117.7. Prescribing opiate antagonists - definitions. (1) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE MAY PRESCRIBE OR DISPENSE, DIRECTLY OR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS, AN OPIATE ANTAGONIST TO:

(a) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DRUG OVERDOSE EVENT;

(b) 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) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; OR

(d) A FIRST RESPONDER.

(2) A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT WHO PRESCRIBES OR 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.

(3) A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT DOES NOT ENGAGE IN UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-36-117 IF THE PHYSICIAN OR PHYSICIAN ASSISTANT ISSUES STANDING ORDERS AND PROTOCOLS REGARDING OPIATE ANTAGONISTS OR PRESCRIBES OR DISPENSES 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 LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT 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), C.R.S., RESPECTIVELY.

(5) THIS SECTION DOES NOT ESTABLISH A DUTY OR STANDARD OF CARE REGARDING THE PRESCRIBING, DISPENSING, OR ADMINISTERING OF AN OPIATE ANTAGONIST.

(6) AS USED IN THIS SECTION:

(a) "FIRST RESPONDER" MEANS:

(I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

(II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

OR

(III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9), C.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), C.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) "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) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN BY A PHYSICIAN OR PHYSICIAN ASSISTANT THAT IS NOT SPECIFIC TO AND DOES NOT IDENTIFY A PARTICULAR PATIENT.

SECTION 2. In Colorado Revised Statutes, 12-36-117, **repeal** (1.7) as follows:

12-36-117. Unprofessional conduct. (1.7) ~~The prescribing, dispensing, or distribution of an opiate antagonist by a licensed health care practitioner shall not constitute unprofessional conduct if he or she prescribed, dispensed, or distributed the opiate antagonist in a good faith effort to assist:~~

~~(a) A person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.; or~~

~~(b) A family member, friend, or other person who is in a position to assist a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.~~

SECTION 3. In Colorado Revised Statutes, **add** 12-38-125.5 as follows:

12-38-125.5. Prescribing opiate antagonists - definitions. (1) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-38-111.6 MAY PRESCRIBE OR DISPENSE, DIRECTLY OR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS, AN OPIATE ANTAGONIST TO:

(a) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT;

(b) 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) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; OR

(d) A FIRST RESPONDER.

(2) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY WHO PRESCRIBES OR 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.

(3) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY DOES NOT ENGAGE IN CONDUCT THAT IS GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-38-117 IF THE ADVANCED PRACTICE NURSE ISSUES STANDING ORDERS AND PROTOCOLS REGARDING OPIATE ANTAGONISTS OR PRESCRIBES OR DISPENSES 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;

(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) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY 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), C.R.S., RESPECTIVELY.

(5) THIS SECTION DOES NOT ESTABLISH A DUTY OR STANDARD OF CARE REGARDING THE PRESCRIBING, DISPENSING, OR ADMINISTERING OF AN OPIATE ANTAGONIST.

(6) AS USED IN THIS SECTION:

(a) "FIRST RESPONDER" MEANS:

(I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

(II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

OR

(III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9), C.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), C.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) "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) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN BY AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY THAT IS NOT SPECIFIC TO AND DOES NOT IDENTIFY A PARTICULAR PATIENT.

SECTION 4. In Colorado Revised Statutes, 12-38-117, **repeal** (6) as follows:

12-38-117. Grounds for discipline. (6) ~~The prescribing, dispensing, or distribution of an opiate antagonist by an advanced practice nurse shall not constitute grounds for discipline if he or she prescribed, dispensed, or distributed the opiate antagonist in a good faith effort to assist:~~

~~(a) A person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.; or~~

~~(b) A family member, friend, or other person who is in a position to assist a person who is at increased risk of experiencing or likely to~~

~~experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.~~

SECTION 5. In Colorado Revised Statutes, 12-42.5-105, **amend** (2) as follows:

12-42.5-105. Rules. (2) On or before January 1, ~~2014~~ 2016, the board shall adopt or amend rules as necessary to permit the dispensing of an opiate antagonist ~~as defined in section 18-1-712 (5) (d), C.R.S., by a pharmacist to a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S., or to a family member, friend, or other person who is in a position to assist such a person, so long as the prescription for the opiate antagonist provides for the dispensing of the opiate antagonist to such a family member, friend, or other person~~ IN ACCORDANCE WITH SECTION 12-42.5-120 (3).

SECTION 6. In Colorado Revised Statutes, 12-42.5-120, **amend** (1); and **add** (3) as follows:

12-42.5-120. Prescription required - exception - dispensing opiate antagonists - definitions. (1) Except as provided in section 18-18-414, C.R.S., and ~~subsection (2)~~ SUBSECTIONS (2) AND (3) of this section, an order is required prior to dispensing any prescription drug. Orders shall be readily retrievable within the appropriate statute of limitations.

(3) (a) A PHARMACIST MAY DISPENSE, PURSUANT TO AN ORDER OR STANDING ORDERS AND PROTOCOLS, AN OPIATE ANTAGONIST TO:

(I) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT;

(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;

(III) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; OR

(IV) A FIRST RESPONDER.

(b) A PHARMACIST WHO DISPENSES AN OPIATE ANTAGONIST PURSUANT TO THIS SUBSECTION (3) 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.

(c) (I) A PHARMACIST DOES NOT ENGAGE IN UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-42.5-123 IF 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.

(II) A PHARMACIST WHO 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), C.R.S., RESPECTIVELY.

(III) THIS SUBSECTION (3) DOES NOT ESTABLISH A DUTY OR STANDARD OF CARE REGARDING THE DISPENSING OF AN OPIATE ANTAGONIST.

(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) POSSESS AN OPIATE ANTAGONIST;

(B) 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) ADMINISTER AN OPIATE ANTAGONIST TO AN INDIVIDUAL EXPERIENCING, OR WHO A REASONABLE PERSON WOULD BELIEVE IS EXPERIENCING, AN OPIATE-RELATED DRUG OVERDOSE EVENT.

(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.

(III) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION ACTING IN ACCORDANCE WITH THIS PARAGRAPH (d) IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7(3) AND 18-1-712(2), C.R.S., RESPECTIVELY.

(e) AS USED IN THIS SECTION:

(I) "FIRST RESPONDER" MEANS:

(A) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

(B) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

OR

(C) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9), C.R.S.

(II) "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.

(III) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-18-102 (21), C.R.S.

(IV) "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.

(V) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR RESPIRATORY DEPRESSION, THAT:

(A) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED;

(B) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

(C) REQUIRES MEDICAL ASSISTANCE.

(VI) "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.

(VII) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN BY A PRACTITIONER THAT IS NOT SPECIFIC TO AND DOES NOT IDENTIFY A PARTICULAR PATIENT.

SECTION 7. In Colorado Revised Statutes, 12-42.5-123, **repeal** (3) as follows:

12-42.5-123. Unprofessional conduct - grounds for discipline.

~~(3) The dispensing or distribution of an opiate antagonist by a pharmacist shall not constitute unprofessional conduct if he or she dispensed or distributed the opiate antagonist in a good-faith effort to assist:~~

~~(a) A person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.; or~~

~~(b) A family member, friend, or other person who is in a position to assist a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, as defined in section 18-1-712 (5) (e), C.R.S.~~

SECTION 8. In Colorado Revised Statutes, 13-21-108.7, **amend** (2) (b) (I) (A), (2) (e), (3), (4) (a) introductory portion, and (4) (a) (I); and **repeal** (4) (b) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions. (2) **Definitions.** As used in this section, unless the context otherwise requires:

(b) (I) "Health care provider" means:

(A) A licensed ~~or certified~~ physician, ~~nurse practitioner~~ ADVANCED PRACTICE NURSE WHO HAS PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-38-111.6, C.R.S., physician assistant, or pharmacist; or

(e) "Opiate-related drug overdose event" means an acute condition, including ~~but not limited to~~ a decreased level of consciousness or respiratory depression, ~~resulting~~ THAT:

(I) RESULTS from the consumption or use of a controlled substance or another substance with which a controlled substance was combined; ~~and that~~

(II) A layperson would reasonably believe to be an opiate-related drug overdose event; ~~that~~ AND

(III) Requires medical assistance.

(3) **General immunity.** A person, other than a health care provider or a health care facility, who acts in good faith to FURNISH OR administer an opiate antagonist to ~~another person whom~~ AN INDIVIDUAL the person believes to be suffering an opiate-related drug overdose event ~~shall~~ OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED OVERDOSE EVENT IS ~~not be~~ liable for any civil damages for acts or omissions made as a result of ~~such~~ THE act. THIS SUBSECTION (3) ALSO APPLIES TO A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION ACTING IN ACCORDANCE WITH SECTION 12-42.5-120 (3) (d), C.R.S.

(4) **Licensed prescribers and dispensers.** (a) ~~A person~~ AN INDIVIDUAL who is LICENSED BY THE STATE UNDER TITLE 12, C.R.S., AND IS permitted by SECTION 12-36-117.7, 12-38-125.5, OR 12-42.5-120 (3), C.R.S., OR BY OTHER APPLICABLE law to prescribe or dispense an opiate antagonist ~~shall~~ IS ~~not be~~ liable for any civil damages resulting from:

(I) ~~Such~~ Prescribing or dispensing AN OPIATE ANTAGONIST IN ACCORDANCE WITH THE APPLICABLE LAW; or

(b) ~~A prescriber or dispenser who dispenses an opiate antagonist is strongly encouraged to educate persons receiving the opiate antagonist on the use of an opiate antagonist for overdose, including but not limited to instruction concerning risk factors for overdose, recognition of overdose, calling emergency medical services, rescue breathing, and administration of an opiate antagonist.~~

SECTION 9. In Colorado Revised Statutes, 18-1-712, **amend** (2), (3) (a) introductory portion, (3) (a) (I), and (5) (e); and **repeal** (3) (b) as follows:

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions.

(2) **General immunity.** A person, other than a health care provider or a health care facility, who acts in good faith to FURNISH OR administer an opiate antagonist to ~~another person whom~~ AN INDIVIDUAL the person believes to be suffering an opiate-related drug overdose event ~~shall be~~ OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT RISK

OF EXPERIENCING AN OPIATE-RELATED OVERDOSE EVENT IS immune from criminal prosecution for ~~such~~ THE act. THIS SUBSECTION (2) ALSO APPLIES TO A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION ACTING IN ACCORDANCE WITH SECTION 12-42.5-120 (3) (d), C.R.S.

(3) (a) **Licensed prescribers and dispensers.** ~~A person~~ AN INDIVIDUAL who is LICENSED BY THE STATE UNDER TITLE 12, C.R.S., AND IS permitted by SECTION 12-36-117.7, 12-38-125.5, OR 12-42.5-120 (3), C.R.S., OR BY OTHER APPLICABLE law to prescribe or dispense an opiate antagonist ~~shall be~~ IS immune from criminal prosecution for:

(I) ~~Such~~ Prescribing or dispensing AN OPIATE ANTAGONIST IN ACCORDANCE WITH THE APPLICABLE LAW; or

~~(b) A prescriber or dispenser who dispenses an opiate antagonist is strongly encouraged to educate persons receiving the opiate antagonist on the use of an opiate antagonist for overdose, including but not limited to instruction concerning risk factors for overdose, recognition of overdose, calling emergency medical services, rescue breathing, and administration of an opiate antagonist.~~

(5) **Definitions.** As used in this section, unless the context otherwise requires:

(e) "Opiate-related drug overdose event" means an acute condition, including ~~but not limited to~~ a decreased level of consciousness or respiratory depression, ~~resulting~~ THAT:

(I) RESULTS from the consumption or use of a controlled substance or another substance with which a controlled substance was combined; ~~and that~~

(II) A layperson would reasonably believe to be an opiate-related drug overdose event; ~~that~~ AND

(III) Requires medical assistance.

SECTION 10. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO