A BILL FOR AN ACT

CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

A person who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event shall be immune from criminal prosecution for, and is not liable for any civil damages for acts or omissions made as a result of, such act.
A licensed health care practitioner who is permitted by law to prescribe or dispense an opiate antagonist shall be immune from criminal prosecution for, and is not liable for any civil damages for resulting from:

Such prescribing, dispensing, administering, or distribution; or

Any outcomes resulting from the eventual administration of the opiate antagonist.

The prescribing, dispensing, administering, or distribution of an opiate antagonist by a licensed health care practitioner shall not constitute unprofessional conduct if he or she prescribed, dispensed, administered, or distributed the opiate antagonist in a good faith effort to assist:

A person who is experiencing or likely to experience an opiate-related drug overdose event; or

A family member, friend, or other person who is in a position to assist a person who is experiencing or likely to experience an opiate-related drug overdose event.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Drug overdose is the leading cause of unintentional death in Colorado, ahead of motor vehicle deaths;

(b) Opiate overdose may be reversible with the timely administration of an opiate antagonist;

(c) Opiate antagonists have no abuse potential; and

(d) Access to opiate antagonists is often limited unnecessarily by laws that pre-date the overdose epidemic.

(2) Now, therefore, the general assembly hereby encourages the administration of opiate antagonists for the purpose of saving the lives of people who suffer opiate-related drug overdose events. A person who administers an opiate antagonist to another person should call for emergency medical assistance immediately.

SECTION 2. In Colorado Revised Statutes, add 18-1-712 as
follows:

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

(1) **Legislative declaration.** The General Assembly hereby encourages the administration of opiate antagonists for the purpose of saving the lives of people who suffer opiate-related drug overdose events. A person who administers an opiate antagonist to another person should call for emergency medical assistance immediately.

(2) **General immunity.** A person who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event shall be immune from criminal prosecution for such act.

(3) **Licensed prescribers and dispensers.** A person who is permitted by law to prescribe or dispense an opiate antagonist shall be immune from criminal prosecution for:

   a. such prescribing or dispensing; and

   b. any outcomes resulting from the eventual administration of the opiate antagonist.

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

   a. "Opiate" has the same meaning as set forth in section 18-18-102 (21), C.R.S.

   b. "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug approved by the Federal Food and Drug Administration for the treatment of a drug overdose.

   c. "Opiate-related drug overdose event" means an acute
CONDITION INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF
CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE
CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER
SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND
THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL
ASSISTANCE.

SECTION 3. In Colorado Revised Statutes, add 13-21-108.7 as
follows:

13-21-108.7. Persons rendering emergency assistance through
the administration of an opiate antagonist - limited immunity -
legislative declaration - definitions. (1) Legislative declaration. THE
GENERAL ASSEMBLY HEREBY ENCOURAGES THE ADMINISTRATION OF
OPIATE ANTAGONISTS FOR THE PURPOSE OF SAVING THE LIVES OF PEOPLE
WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS. A PERSON WHO
ADMINISTERS AN OPIATE ANTAGONIST TO ANOTHER PERSON SHOULD CALL
FOR EMERGENCY MEDICAL ASSISTANCE IMMEDIATELY.

(2) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT
OTHERWISE requires:

(a) "OPIATE" has the same meaning as set forth in section
18-18-102 (21), C.R.S.

(b) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
ANY SIMILARLY ACTING DRUG APPROVED BY THE FEDERAL FOOD AND
DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

(c) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
CONDITION INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF
CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE
CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER
SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND
THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL
ASSISTANCE.

(3) **General immunity.** A PERSON WHO ACTS IN GOOD FAITH TO
ADMINISTER AN OPIATE ANTAGONIST TO ANOTHER PERSON WHOM THE
PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE
EVENT IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS
MADE AS A RESULT OF SUCH ACT.

(4) **Licensed prescribers and dispensers.** A PERSON WHO IS
PERMITTED BY LAW TO PRESCRIBE OR DISPENSE AN OPIATE ANTAGONIST
IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR RESULTING FROM:
(a) SUCH PRESCRIBING OR DISPENSING; AND
(b) ANY OUTCOMES RESULTING FROM THE EVENTUAL
ADMINISTRATION OF THE OPIATE ANTAGONIST.

**SECTION 4.** In Colorado Revised Statutes, 12-36-117, add (1.7)
as follows:

**12-36-117. Unprofessional conduct.** (1.7) **The prescribing,**
DISPENSING, ADMINISTERING, OR DISTRIBUTION OF AN OPIATE ANTAGONIST
BY A LICENSED HEALTH CARE PRACTITIONER SHALL NOT CONSTITUTE
UNPROFESSIONAL CONDUCT IF HE OR SHE PRESCRIBED, DISPENSED,
ADMINISTERED, OR DISTRIBUTED THE OPIATE ANTAGONIST IN A GOOD
FAITH EFFORT TO ASSIST:
(a) A PERSON WHO IS EXPERIENCING OR LIKELY TO EXPERIENCE AN
OPIATE-RELATED DRUG OVERDOSE EVENT, AS DEFINED IN SECTION
18-1-712 (4) (c), C.R.S.; OR
A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
POSITION TO ASSIST A PERSON WHO IS EXPERIENCING OR LIKELY TO
EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT, AS DEFINED IN
SECTION 18-1-712 (4) (c), C.R.S.

SECTION 5. 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.