A BILL FOR AN ACT

101 CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS
102 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 been shown to be safe and effective at reducing overdose death; 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 is urged to call for emergency medical services 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 is urged to call for emergency medical services immediately.

(2) General immunity. A person other than a health care provider or a health care facility 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) (a) 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:

(I) Such prescribing or dispensing; or

(II) Any outcomes resulting from the eventual administration of the opiate antagonist by a layperson.

(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.

(4) The provisions of this section shall not be interpreted to establish any duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

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

(a) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides home- and community-based services, a hospice or home health care agency, or another facility that provides or contracts to provide health care services, which facility is licensed, certified, or otherwise authorized or permitted by law to provide medical treatment.

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

(A) A licensed or certified physician, nurse practitioner, physician assistant, or pharmacist; or

(B) A health maintenance organization licensed and conducting business in this state.

(II) "Health care provider" does not include a podiatrist, optometrist, dentist, or veterinarian.

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

(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 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 is urged to call for emergency medical services immediately.

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

(a) "HEALTH CARE FACILITY" MEANS A HOSPITAL, A HOSPICE INPATIENT RESIDENCE, A NURSING FACILITY, A DIALYSIS TREATMENT FACILITY, AN ASSISTED LIVING RESIDENCE, AN ENTITY THAT PROVIDES HOME- AND COMMUNITY-BASED SERVICES, A HOSPICE OR HOME HEALTH CARE AGENCY, OR ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO
PROVIDE MEDICAL TREATMENT.

(b) (I) "HEALTH CARE PROVIDER" MEANS:

(A) A LICENSED OR CERTIFIED PHYSICIAN, NURSE PRACTITIONER, PHYSICIAN ASSISTANT, OR PHARMACIST; OR

(B) A HEALTH MAINTENANCE ORGANIZATION LICENSED AND CONDUCTING BUSINESS IN THIS STATE.

(II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A PODIATRIST, OPTOMETRIST, DENTIST, OR VETERINARIAN.

(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 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 OTHER THAN A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY 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 NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR
OMISSIONS MADE AS A RESULT OF SUCH ACT.

(4) (a) **Licensed prescribers and dispensers.** A person who is permitted by law to prescribe or dispense an opiate antagonist shall not be liable for any civil damages resulting from:

(I) such prescribing or dispensing; or

(II) any outcomes resulting from the eventual administration of the opiate antagonist by a layperson.

(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) The provisions of this section shall not be interpreted to establish any duty or standard of care in the prescribing, dispensing, or administration of an 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, 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 5. In Colorado Revised Statutes, 12-42.5-123, add (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 6. In Colorado Revised Statutes, 12-38-117, add (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 7. In Colorado Revised Statutes, 12-42.5-102, add
(42) (b) (XIV) as follows:

12-42.5-102. Definitions. As used in this article, unless the
context otherwise requires or the term is otherwise defined in another part
of this article:

(42) (b) "Wholesale distribution" does not include:

(XIV) THE DISTRIBUTION OF NALOXONE.

SECTION 8. 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.