SENATE BILL 15-053


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
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:

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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.
REDDUCTION 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, 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) 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, 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 from:

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

(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 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 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 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 liable for any civil damages resulting from:**

   (I) **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 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 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.
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

(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  
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APPROVED

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO