

1 HB208
2 164495-5
3 By Representatives Treadaway and Faulkner
4 RFD: Health
5 First Read: 10-MAR-15

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to drug overdoses; to authorize a physician or dentist to prescribe an opioid antagonist to an individual at risk of experiencing an opiate-related overdose or to an individual who is in a position to assist another individual at risk of experiencing an opiate-related overdose; to provide immunity to a physician or dentist who prescribes an opioid antagonist and to an individual who administers an opioid antagonist; to provide immunity from prosecution for possession or consumption of alcohol for an individual under the age of 21 or certain controlled substance offenses by any individual who seeks medical assistance for another individual under certain circumstances; and to require relevant training for certain law enforcement officers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, "opioid antagonist" means naloxone hydrochloride or other similarly acting drug that is approved by the federal Food and Drug Administration for the treatment of ~~a drug~~ an opioid overdose.

1 (b) A physician licensed under Article 3, Chapter
2 24, Title 34, Code of Alabama 1975, or dentist licensed under
3 Chapter 9, Title 34, Code of Alabama 1975, acting in good
4 faith and exercising reasonable care, may directly or by
5 standing order prescribe an opioid antagonist to either of the
6 following:

7 (1) An individual at risk of experiencing an
8 opiate-related overdose.

9 (2) A family member, friend, or other individual,
10 including law enforcement, in a position to assist an
11 individual at risk of experiencing an opiate-related overdose.

12 (c) As an indicator of good faith, the physician or
13 dentist, prior to prescribing an opioid antagonist under this
14 section, may require receipt of a written communication that
15 provides a factual basis for a reasonable conclusion as to
16 either of the following:

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

19 (2) The individual other than the individual at risk
20 of experiencing an opiate-related overdose and who is seeking
21 the opioid antagonist is in relation to the individual at risk
22 of experiencing an opiate-related overdose as a family member,
23 friend, or otherwise in the position to assist the individual.

24 (d) An individual who receives an opioid antagonist
25 that was prescribed pursuant to subsection (b) may administer
26 an opioid antagonist to another individual if he or she has a
27 good faith belief that the other individual is experiencing an

1 opiate-related overdose and he or she exercises reasonable
2 care in administering the opioid antagonist. Evidence of
3 exercising reasonable care in administering the opioid
4 antagonist shall include the receipt of basic instruction and
5 information on how to administer the opioid antagonist.

6 (e) All of the following individuals are immune from
7 any civil or criminal liability for actions authorized under
8 this ~~section~~ act absent ~~unreasonable~~, wanton, willful, or
9 intentional conduct:

10 (1) A physician or dentist who prescribes an opioid
11 antagonist pursuant to subsection (b).

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

14 (3) A pharmacist who dispenses an opioid antagonist
15 pursuant to subsection (b).

16 Section 2. (a) Notwithstanding any other law to the
17 contrary, an individual under 21 years of age may not be
18 prosecuted for the possession or consumption of alcoholic
19 beverages if law enforcement, including campus safety police,
20 became aware of the possession or consumption of alcohol
21 solely because the individual was seeking medical assistance
22 for another individual under this act.

23 (b) ~~Notwithstanding any other law to the contrary~~
24 Excluding Section 32-5A-191, Code of Alabama 1975, an
25 individual may not be prosecuted for a misdemeanor controlled
26 substance offense if law enforcement became aware of the

1 offense solely because the individual was seeking medical
2 assistance for another individual under this act.

3 (c) This section shall apply if, when seeking
4 medical assistance on behalf of another, the individual did
5 all of the following:

6 (1) Acted in good faith, upon a reasonable belief
7 that he or she was the first to call for assistance.

8 (2) Used his or her own name when contacting
9 authorities.

10 (3) Remained with the individual needing medical
11 assistance until help arrived.

12 Section 3. On or before January 1, 2016, the Alabama
13 Department of Public Health shall approve a specific training
14 curriculum for completion by law enforcement officers who
15 elect to carry and administer opioid antagonists.

16 Section 4. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 10-MAR-15

Read for the second time and placed
on the calendar 1 amendment 16-APR-15

Read for the third time and passed
as amended..... 14-MAY-15
Yeas 87, Nays 3, Abstains 0

Jeff Woodard
Clerk