HB208
164495-2
By Representatives Treadaway and Faulkner
RFD: Health
First Read: 10-MAR-15
SYNOPSIS: This bill would 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.

This bill would provide immunity to a physician or dentist who prescribes an opioid antagonist and to an individual who administers an opioid antagonist.

This bill would provide immunity from prosecution for possession or consumption of alcohol for an individual under the age of 21 or a misdemeanor controlled substance offense by any individual who seeks medical assistance for another individual under certain circumstances.

This bill would also require the Alabama Department of Public Health to approve a specific training curriculum for certain law enforcement
officers relating to the administration of opioid antagonists.

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 that is approved by the federal Food and Drug Administration for the treatment of a drug overdose.

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

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

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

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

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

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

(d) An individual who receives an opioid antagonist that was prescribed pursuant to subsection (b) may administer an opioid antagonist to another individual if he or she has a good faith belief that the other individual is experiencing an opiate-related overdose and he or she exercises reasonable care in administering the opioid antagonist. Evidence of
exercising reasonable care in administering the opioid
antagonist shall include the receipt of basic instruction and
information on how to administer the opioid antagonist.

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

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

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

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

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

(b) Notwithstanding any other law to the contrary,
an individual may not be prosecuted for a misdemeanor
controlled substance offense if law enforcement became aware
of the offense solely because the individual was seeking
medical assistance for another individual.
(c) This section shall apply if, when seeking medical assistance on behalf of another, the individual did all of the following:

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

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

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

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

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