HB208

170319-3

By Representatives Treadaway and Faulkner

RFD: Health

First Read: 10-MAR-15
ENROLLED, 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 an opioid 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 may directly or by standing order prescribe, and a pharmacist licensed under Chapter 23, Title 34, Code of
Alabama 1975, may dispense, 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 act:

(1) A physician or dentist who prescribes an opioid antagonist pursuant to subsection (b) and who has no managerial authority over the individuals administering the opioid antagonist.

(2) An 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 under this act.

(b) Excluding Section 32-5A-191, Code of Alabama 1975, 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 under this act.

(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
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 14-MAY-15, as amended.

Jeff Woodard
Clerk

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