

CS FOR SENATE BILL NO. 23(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/2/15

Referred: Rules

Sponsor(s): SENATOR ELLIS, Gardner, Costello, McGuire, Stevens, Micciche, Bishop, Egan, Stedman, Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to opioid overdose drugs and to immunity for prescribing, providing,**
2 **or administering opioid overdose drugs."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 09.65 is amended by adding a new section to read:

5 **Sec. 09.65.340. Immunity for prescribing, providing, or administering an**
6 **opioid overdose drug.** (a) Except as provided in (c) of this section, a person is not
7 liable for civil damages resulting from an act or omission in prescribing or providing
8 an opioid overdose drug to a person at risk of experiencing an opioid overdose or to a
9 family member, friend, caregiver, or other person in a position to administer an opioid
10 overdose drug to a person at risk of experiencing an opioid overdose if

11 (1) the person

12 (A) prescribing or providing the opioid overdose drug is a
13 health care provider; or

14 (B) providing the opioid overdose drug is an employee or

1 volunteer of an opioid overdose program; and

2 (2) each person to whom the opioid overdose drug is prescribed or
3 provided has been educated and trained in the proper emergency use and
4 administration of the opioid overdose drug by the health care provider or the opioid
5 overdose program.

6 (b) Except as provided in (c) of this section, a person who administers an
7 opioid overdose drug to another person who the person reasonably believes is
8 experiencing an opioid overdose emergency is not liable for civil damages resulting
9 from an act or omission in the emergency administration of the opioid overdose drug
10 if the person

11 (1) was prescribed or provided the opioid overdose drug by a health
12 care provider or an opioid overdose program; and

13 (2) received education and training in the proper emergency use and
14 administration of the opioid overdose drug by the health care provider or the opioid
15 overdose program.

16 (c) This section does not preclude liability for civil damages that are the result
17 of gross negligence or reckless or intentional misconduct.

18 (d) In this section,

19 (1) "health care provider" means a licensed physician, advanced nurse
20 practitioner, physician assistant, village health aide, or pharmacist operating within the
21 scope of the health care provider's authority;

22 (2) "opioid" includes the opium and opiate substances and opium and
23 opiate derivatives listed in AS 11.71.140;

24 (3) "opioid overdose drug" means a drug that reverses in whole or part
25 the pharmacological effects of an opioid overdose;

26 (4) "opioid overdose program" means a program that provides opioid
27 overdose drugs to persons at risk of experiencing an opioid overdose or to a family
28 member, friend, or other person in a position to assist a person at risk of experiencing
29 an opioid overdose.

30 * **Sec. 2.** AS 17.20 is amended by adding a new section to read:

31 **Sec. 17.20.085. Opioid overdose drugs.** (a) Notwithstanding a provision or

1 rule of law to the contrary, a health care provider authorized to prescribe an opioid
2 overdose drug may prescribe an opioid overdose drug directly or by standing order or
3 protocol to a person at risk of experiencing an opioid overdose or to a family member,
4 friend, caregiver, or other person in a position to administer an opioid overdose drug
5 to a person at risk of experiencing an opioid overdose.

6 (b) An employee or volunteer of an opioid overdose program, if acting under a
7 standing order or protocol under (a) of this section, notwithstanding a provision or rule
8 of law to the contrary, may receive a supply of opioid overdose drugs, possess opioid
9 overdose drugs, and provide an opioid overdose drug to a person at risk of
10 experiencing an opioid overdose or to a family member, friend, caregiver, or other
11 person in a position to administer an opioid overdose drug to a person at risk of
12 experiencing an opioid overdose.

13 (c) In this section,

14 (1) "health care provider" means a licensed physician, advanced nurse
15 practitioner, physician assistant, village health aide, or pharmacist operating within the
16 scope of the health care provider's authority;

17 (2) "opioid" includes the opium and opiate substances and opium and
18 opiate derivatives listed in AS 11.71.140;

19 (3) "opioid overdose drug" means a drug that reverses in whole or part
20 the pharmacological effects of an opioid overdose;

21 (4) "opioid overdose program" means a program that provides opioid
22 overdose drugs to persons at risk of experiencing an opioid overdose or to a family
23 member, friend, or other person in a position to assist a person at risk of experiencing
24 an opioid overdose.