

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

HOUSE CS FOR CS FOR SENATE BILL NO. 23(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/15/16

Referred: Rules

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

REPRESENTATIVES Muñoz, Wool, Kito, Gattis, Lynn, Gruenberg, Claman, Millett, Hughes, Seaton, Tilton, Kawasaki, Olson, Tarr, Josephson, Johnson, Gara, Neuman, Pruitt, Drummond, Chenault, Saddler, LeDoux, Guttenberg, Tuck, Edgmon, Vazquez, Stutes

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of pharmacy; relating to the dispensing of opioid
2 overdose drugs by a pharmacist; relating to opioid overdose drugs and to immunity for
3 prescribing, providing, or administering opioid overdose drugs; and providing for an
4 effective date."

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

6 * **Section 1.** AS 08.80.030(b) is amended to read:

7 (b) In order to fulfill its responsibilities, the board has the powers necessary
8 for implementation and enforcement of this chapter, including the power to

9 (1) elect a president and secretary from its membership and adopt rules
10 for the conduct of its business;

11 (2) license by examination or by license transfer the applicants who are
12 qualified to engage in the practice of pharmacy;

13 (3) assist the department in inspections and investigations for
14 violations of this chapter, or of any other state or federal statute relating to the practice

1 of pharmacy;

2 (4) adopt regulations to carry out the purposes of this chapter;

3 (5) establish and enforce compliance with professional standards and
4 rules of conduct for pharmacists engaged in the practice of pharmacy;

5 (6) determine standards for recognition and approval of degree
6 programs of schools and colleges of pharmacy whose graduates shall be eligible for
7 licensure in this state, including the specification and enforcement of requirements for
8 practical training, including internships;

9 (7) establish for pharmacists and pharmacies minimum specifications
10 for the physical facilities, technical equipment, personnel, and procedures for the
11 storage, compounding, and dispensing of drugs or related devices, and for the
12 monitoring of drug therapy;

13 (8) enforce the provisions of this chapter relating to the conduct or
14 competence of pharmacists practicing in the state, and the suspension, revocation, or
15 restriction of licenses to engage in the practice of pharmacy;

16 (9) license and regulate the training, qualifications, and employment of
17 pharmacy interns and pharmacy technicians;

18 (10) issue licenses to persons engaged in the manufacture and
19 distribution of drugs and related devices;

20 (11) establish and maintain a controlled substance prescription
21 database as provided in AS 17.30.200;

22 (12) establish standards for the independent administration by a
23 pharmacist of vaccines and related emergency medications under AS 08.80.168,
24 including the completion of an immunization training program approved by the board;

25 **(13) establish standards for the independent dispensing by a**
26 **pharmacist of an opioid overdose drug under AS 17.20.085, including the**
27 **completion of an opioid overdose training program approved by the board.**

28 * **Sec. 2.** AS 08.80.168(b) is amended to read:

29 (b) In this section,

30 **(1) "opioid overdose drug" has the meaning given in AS 17.20.085;**

31 **(2) "related emergency medication" includes an epinephrine injection**

1 or other medication for the treatment of a severe allergic reaction to a vaccine.

2 * **Sec. 3.** AS 08.80.168 is amended by adding a new subsection to read:

3 (c) A pharmacist may independently dispense an opioid overdose drug if the
4 pharmacist has completed an opioid overdose drug training program approved by the
5 board and otherwise complies with the standards established by the board under
6 AS 08.80.030(b).

7 * **Sec. 4.** AS 08.80.480(27) is amended to read:

8 (27) "practice of pharmacy" means the interpretation, evaluation, and
9 dispensing of prescription drug orders in the patient's best interest; participation in
10 drug and device selection, drug administration, drug regimen reviews, and drug or
11 drug-related research; provision of patient counseling and the provision of those acts
12 or services necessary to provide pharmaceutical care; the administration of vaccines
13 and related emergency medication; **the independent dispensing of opioid overdose**
14 **drugs**; and the responsibility for compounding and labeling of drugs and devices
15 except labeling by a manufacturer, repackager, or distributor of nonprescription drugs
16 and commercially packaged legend drugs and devices; proper and safe storage of
17 drugs and devices; and maintenance of proper records for them;

18 * **Sec. 5.** AS 09.65 is amended by adding a new section to read:

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

25 (1) the person

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

28 (B) providing the opioid overdose drug is an employee or
29 volunteer of an opioid overdose program; and

30 (2) each person to whom the opioid overdose drug is prescribed or
31 provided has been educated and trained in the proper emergency use and

1 administration of the opioid overdose drug by the health care provider or the opioid
 2 overdose program; education and training under this paragraph may be provided by
 3 any reasonable means, including through the use of electronic, video, or automated
 4 education or training resources.

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

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

11 (d) In this section,

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

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

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

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

23 * **Sec. 6.** AS 17.20 is amended by adding a new section to read:

24 **Sec. 17.20.085. Opioid overdose drugs.** (a) Notwithstanding a provision or
 25 rule of law to the contrary, a health care provider authorized to prescribe an opioid
 26 overdose drug may prescribe an opioid overdose drug directly or by standing order or
 27 protocol to a person at risk of experiencing an opioid overdose or to a family member,
 28 friend, caregiver, or other person in a position to administer an opioid overdose drug
 29 to a person at risk of experiencing an opioid overdose.

30 (b) An employee or volunteer of an opioid overdose program, if acting under a
 31 standing order or protocol under (a) of this section, notwithstanding a provision or rule

1 of law to the contrary, may receive a supply of opioid overdose drugs, possess opioid
2 overdose drugs, and provide an opioid overdose drug to a person at risk of
3 experiencing an opioid overdose or to a family member, friend, caregiver, or other
4 person in a position to administer an opioid overdose drug to a person at risk of
5 experiencing an opioid overdose.

6 (c) In this section,

7 (1) "health care provider" means a licensed physician, osteopath,
8 dentist, advanced nurse practitioner, physician assistant, nurse, village health aide, or
9 pharmacist operating within the scope of the health care provider's authority;

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

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

14 (4) "opioid overdose program" means a program that provides opioid
15 overdose drugs to persons at risk of experiencing an opioid overdose or to a family
16 member, friend, or other person in a position to assist a person at risk of experiencing
17 an opioid overdose.

18 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).