

1 HB208
2 170319-3
3 By Representatives Treadaway and Faulkner
4 RFD: Health
5 First Read: 10-MAR-15

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2 ENROLLED, An Act,

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 (b) A physician licensed under Article 3, Chapter
22 24, Title 34, Code of Alabama 1975, or dentist licensed under
23 Chapter 9, Title 34, Code of Alabama 1975, acting in good
24 faith may directly or by standing order prescribe, and a
25 pharmacist licensed under Chapter 23, Title 34, Code of

1 Alabama 1975, may dispense, an opioid antagonist to either of
2 the following:

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

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

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

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

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

20 (d) An individual who receives an opioid antagonist
21 that was prescribed pursuant to subsection (b) may administer
22 an opioid antagonist to another individual if he or she has a
23 good faith belief that the other individual is experiencing an
24 opiate-related overdose and he or she exercises reasonable
25 care in administering the opioid antagonist. Evidence of

1 exercising reasonable care in administering the opioid
2 antagonist shall include the receipt of basic instruction and
3 information on how to administer the opioid antagonist.

4 (e) All of the following individuals are immune from
5 any civil or criminal liability for actions authorized under
6 this act:

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

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

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

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

22 (b) Excluding Section 32-5A-191, Code of Alabama
23 1975, an individual may not be prosecuted for a misdemeanor
24 controlled substance offense if law enforcement became aware

1 of the offense solely because the individual was seeking
2 medical 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
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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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

Senate	03-JUN-15	Amended and Passed
House	03-JUN-15	Concurred in Senate Amendment