

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0299.01 Richard Sweetman x4333

SENATE BILL 13-014

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS
102 WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A person who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event shall be immune from criminal prosecution for, and is not liable for any civil damages for acts or omissions made as a result of, such act.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

A licensed health care practitioner who is permitted by law to prescribe or dispense an opiate antagonist shall be immune from criminal prosecution for, and is not liable for any civil damages for resulting from:

- ! Such prescribing, dispensing, administering, or distribution; or
- ! Any outcomes resulting from the eventual administration of the opiate antagonist.

The prescribing, dispensing, administering, or distribution of an opiate antagonist by a licensed health care practitioner shall not constitute unprofessional conduct if he or she prescribed, dispensed, administered, or distributed the opiate antagonist in a good faith effort to assist:

- ! A person who is experiencing or likely to experience an opiate-related drug overdose event; or
- ! A family member, friend, or other person who is in a position to assist a person who is experiencing or likely to experience an opiate-related drug overdose event.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) Drug overdose is the leading cause of unintentional death in
5 Colorado, ahead of motor vehicle deaths;

6 (b) Opiate overdose may be reversible with the timely
7 administration of an opiate antagonist;

8 (c) Opiate antagonists have no abuse potential; and

9 (d) Access to opiate antagonists is often limited unnecessarily by
10 laws that pre-date the overdose epidemic.

11 (2) Now, therefore, the general assembly hereby encourages the
12 administration of opiate antagonists for the purpose of saving the lives of
13 people who suffer opiate-related drug overdose events. A person who
14 administers an opiate antagonist to another person should call for
15 emergency medical assistance immediately.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1-712 as

1 follows:

2 **18-1-712. Immunity for a person who administers an opiate**
3 **antagonist during an opiate-related drug overdose event - definitions.**

4 (1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY
5 ENCOURAGES THE ADMINISTRATION OF OPIATE ANTAGONISTS FOR THE
6 PURPOSE OF SAVING THE LIVES OF PEOPLE WHO SUFFER OPIATE-RELATED
7 DRUG OVERDOSE EVENTS. A PERSON WHO ADMINISTERS AN OPIATE
8 ANTAGONIST TO ANOTHER PERSON SHOULD CALL FOR EMERGENCY
9 MEDICAL ASSISTANCE IMMEDIATELY.

10 (2) **General immunity.** A PERSON WHO ACTS IN GOOD FAITH TO
11 ADMINISTER AN OPIATE ANTAGONIST TO ANOTHER PERSON WHOM THE
12 PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE
13 EVENT SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR SUCH ACT.

14 (3) **Licensed prescribers and dispensers.** A PERSON WHO IS
15 PERMITTED BY LAW TO PRESCRIBE OR DISPENSE AN OPIATE ANTAGONIST
16 SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR:

17 (a) SUCH PRESCRIBING OR DISPENSING; AND

18 (b) ANY OUTCOMES RESULTING FROM THE EVENTUAL
19 ADMINISTRATION OF THE OPIATE ANTAGONIST.

20 (4) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
21 OTHERWISE REQUIRES:

22 (a) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 18-18-102 (21), C.R.S.

24 (b) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
25 ANY SIMILARLY ACTING DRUG APPROVED BY THE FEDERAL FOOD AND
26 DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

27 (c) "OPIATE-RELATED DRUG OVERDOSE EVENT MEANS AN ACUTE

1 CONDITION INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF
2 CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE
3 CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER
4 SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND
5 THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
6 OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL
7 ASSISTANCE.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 13-21-108.7 as
9 follows:

10 **13-21-108.7. Persons rendering emergency assistance through**
11 **the administration of an opiate antagonist - limited immunity -**
12 **legislative declaration - definitions.** (1) **Legislative declaration.** THE
13 GENERAL ASSEMBLY HEREBY ENCOURAGES THE ADMINISTRATION OF
14 OPIATE ANTAGONISTS FOR THE PURPOSE OF SAVING THE LIVES OF PEOPLE
15 WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS. A PERSON WHO
16 ADMINISTERS AN OPIATE ANTAGONIST TO ANOTHER PERSON SHOULD CALL
17 FOR EMERGENCY MEDICAL ASSISTANCE IMMEDIATELY.

18 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

20 (a) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
21 18-18-102 (21), C.R.S.

22 (b) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
23 ANY SIMILARLY ACTING DRUG APPROVED BY THE FEDERAL FOOD AND
24 DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

25 (c) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
26 CONDITION INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF
27 CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE

1 CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER
2 SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND
3 THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
4 OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL
5 ASSISTANCE.

6 (3) **General immunity.** A PERSON WHO ACTS IN GOOD FAITH TO
7 ADMINISTER AN OPIATE ANTAGONIST TO ANOTHER PERSON WHOM THE
8 PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE
9 EVENT IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS
10 MADE AS A RESULT OF SUCH ACT.

11 (4) **Licensed prescribers and dispensers.** A PERSON WHO IS
12 PERMITTED BY LAW TO PRESCRIBE OR DISPENSE AN OPIATE ANTAGONIST
13 IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR RESULTING FROM:

14 (a) SUCH PRESCRIBING OR DISPENSING; AND

15 (b) ANY OUTCOMES RESULTING FROM THE EVENTUAL
16 ADMINISTRATION OF THE OPIATE ANTAGONIST.

17 **SECTION 4.** In Colorado Revised Statutes, 12-36-117, **add** (1.7)
18 as follows:

19 **12-36-117. Unprofessional conduct.** (1.7) THE PRESCRIBING,
20 DISPENSING, ADMINISTERING, OR DISTRIBUTION OF AN OPIATE ANTAGONIST
21 BY A LICENSED HEALTH CARE PRACTITIONER SHALL NOT CONSTITUTE
22 UNPROFESSIONAL CONDUCT IF HE OR SHE PRESCRIBED, DISPENSED,
23 ADMINISTERED, OR DISTRIBUTED THE OPIATE ANTAGONIST IN A GOOD
24 FAITH EFFORT TO ASSIST:

25 (a) A PERSON WHO IS EXPERIENCING OR LIKELY TO EXPERIENCE AN
26 OPIATE-RELATED DRUG OVERDOSE EVENT, AS DEFINED IN SECTION
27 18-1-712 (4) (c), C.R.S.; OR

1 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
2 POSITION TO ASSIST A PERSON WHO IS EXPERIENCING OR LIKELY TO
3 EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT, AS DEFINED IN
4 SECTION 18-1-712 (4) (c), C.R.S.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.