

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0299.01 Richard Sweetman x4333

SENATE BILL 13-014

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Pettersen,

Senate Committees

Health & Human Services
Appropriations

House Committees

Health, Insurance & Environment
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS**
102 **WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS, AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.*

HOUSE
3rd Reading Unamended
April 22, 2013

HOUSE
2nd Reading Unamended
April 19, 2013

SENATE
3rd Reading Unamended
March 6, 2013

SENATE
Amended 2nd Reading
March 5, 2013

omissions made as a result of, such act.

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 been shown to be safe and effective
9 at reducing overdose death; and

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

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

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

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

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

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

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

- 19 **(I) SUCH PRESCRIBING OR DISPENSING; OR**
20 **(II) ANY OUTCOMES RESULTING FROM THE EVENTUAL**
21 **ADMINISTRATION OF THE OPIATE ANTAGONIST BY A LAYPERSON.**

22 **(b) A PRESCRIBER OR DISPENSER WHO DISPENSES AN OPIATE**
23 **ANTAGONIST IS STRONGLY ENCOURAGED TO EDUCATE PERSONS RECEIVING**
24 **THE OPIATE ANTAGONIST ON THE USE OF AN OPIATE ANTAGONIST FOR**
25 **OVERDOSE, INCLUDING BUT NOT LIMITED TO INSTRUCTION CONCERNING**
26 **RISK FACTORS FOR OVERDOSE, RECOGNITION OF OVERDOSE, CALLING**
27 **EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND**

1 ADMINISTRATION OF AN OPIATE ANTAGONIST.

2 (4) THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED
3 TO ESTABLISH ANY DUTY OR STANDARD OF CARE IN THE PRESCRIBING,
4 DISPENSING, OR ADMINISTRATION OF AN OPIATE ANTAGONIST.

5 (5) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "HEALTH CARE FACILITY" MEANS A HOSPITAL, A HOSPICE
8 INPATIENT RESIDENCE, A NURSING FACILITY, A DIALYSIS TREATMENT
9 FACILITY, AN ASSISTED LIVING RESIDENCE, AN ENTITY THAT PROVIDES
10 HOME- AND COMMUNITY-BASED SERVICES, A HOSPICE OR HOME HEALTH
11 CARE AGENCY, OR ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO
12 PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED,
13 CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO
14 PROVIDE MEDICAL TREATMENT.

15 (b) (I) "HEALTH CARE PROVIDER" MEANS:

16 (A) A LICENSED OR CERTIFIED PHYSICIAN, NURSE PRACTITIONER,
17 PHYSICIAN ASSISTANT, OR PHARMACIST; OR

18 (B) A HEALTH MAINTENANCE ORGANIZATION LICENSED AND
19 CONDUCTING BUSINESS IN THIS STATE.

20 (II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A PODIATRIST,
21 OPTOMETRIST, DENTIST, OR VETERINARIAN.

22 (c) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 18-18-102 (21).

24 (d) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
25 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE
26 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
27 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

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

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

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

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

21 (a) "HEALTH CARE FACILITY" MEANS A HOSPITAL, A HOSPICE
22 INPATIENT RESIDENCE, A NURSING FACILITY, A DIALYSIS TREATMENT
23 FACILITY, AN ASSISTED LIVING RESIDENCE, AN ENTITY THAT PROVIDES
24 HOME- AND COMMUNITY-BASED SERVICES, A HOSPICE OR HOME HEALTH
25 CARE AGENCY, OR ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO
26 PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED,
27 CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO

1 PROVIDE MEDICAL TREATMENT.

2 (b) (I) "HEALTH CARE PROVIDER" MEANS:

3 (A) A LICENSED OR CERTIFIED PHYSICIAN, NURSE PRACTITIONER,
4 PHYSICIAN ASSISTANT, OR PHARMACIST; OR

5 (B) A HEALTH MAINTENANCE ORGANIZATION LICENSED AND
6 CONDUCTING BUSINESS IN THIS STATE.

7 (II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A PODIATRIST,
8 OPTOMETRIST, DENTIST, OR VETERINARIAN.

9 (c) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
10 18-18-102 (21), C.R.S.

11 (d) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
12 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE
13 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
14 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

15 (e) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
16 CONDITION, INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF
17 CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE
18 CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER
19 SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND
20 THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
21 OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL
22 ASSISTANCE.

23 (3) **General immunity.** A PERSON OTHER THAN A HEALTH CARE
24 PROVIDER OR A HEALTH CARE FACILITY WHO ACTS IN GOOD FAITH TO
25 ADMINISTER AN OPIATE ANTAGONIST TO ANOTHER PERSON WHOM THE
26 PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE
27 EVENT SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR

1 OMISSIONS MADE AS A RESULT OF SUCH ACT.

2 (4) (a) Licensed prescribers and dispensers. A PERSON WHO IS
3 PERMITTED BY LAW TO PRESCRIBE OR DISPENSE AN OPIATE ANTAGONIST
4 SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES RESULTING FROM:

5 (I) SUCH PRESCRIBING OR DISPENSING; OR

6 (II) ANY OUTCOMES RESULTING FROM THE EVENTUAL
7 ADMINISTRATION OF THE OPIATE ANTAGONIST BY A LAYPERSON.

8 (b) A PRESCRIBER OR DISPENSER WHO DISPENSES AN OPIATE
9 ANTAGONIST IS STRONGLY ENCOURAGED TO EDUCATE PERSONS RECEIVING
10 THE OPIATE ANTAGONIST ON THE USE OF AN OPIATE ANTAGONIST FOR
11 OVERDOSE, INCLUDING BUT NOT LIMITED TO INSTRUCTION CONCERNING
12 RISK FACTORS FOR OVERDOSE, RECOGNITION OF OVERDOSE, CALLING
13 EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND
14 ADMINISTRATION OF AN OPIATE ANTAGONIST.

15 (5) THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED
16 TO ESTABLISH ANY DUTY OR STANDARD OF CARE IN THE PRESCRIBING,
17 DISPENSING, OR ADMINISTRATION OF AN OPIATE ANTAGONIST.

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

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

25 (a) A PERSON WHO IS AT INCREASED RISK OF EXPERIENCING OR
26 LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT, AS
27 DEFINED IN SECTION 18-1-712 (5) (e), 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 AT INCREASED RISK OF
3 EXPERIENCING OR LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG
4 OVERDOSE EVENT, AS DEFINED IN SECTION 18-1-712 (5) (e), C.R.S.

5 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-123, **add** (3)
6 as follows:

7 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

8 (3) THE DISPENSING OR DISTRIBUTION OF AN OPIATE ANTAGONIST BY A
9 PHARMACIST SHALL NOT CONSTITUTE UNPROFESSIONAL CONDUCT IF HE OR
10 SHE DISPENSED OR DISTRIBUTED THE OPIATE ANTAGONIST IN A GOOD FAITH
11 EFFORT TO ASSIST:

12 (a) A PERSON WHO IS AT INCREASED RISK OF EXPERIENCING OR
13 LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT, AS
14 DEFINED IN SECTION 18-1-712 (5) (e), C.R.S.; OR

15 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
16 POSITION TO ASSIST A PERSON WHO IS AT INCREASED RISK OF
17 EXPERIENCING OR LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG
18 OVERDOSE EVENT, AS DEFINED IN SECTION 18-1-712 (5) (e), C.R.S.

19 **SECTION 6.** In Colorado Revised Statutes, 12-38-117, **add** (6)
20 as follows:

21 **12-38-117. Grounds for discipline.** (6) THE PRESCRIBING,

22 DISPENSING, OR DISTRIBUTION OF AN OPIATE ANTAGONIST BY AN
23 ADVANCED PRACTICE NURSE SHALL NOT CONSTITUTE GROUNDS FOR
24 DISCIPLINE IF HE OR SHE PRESCRIBED, DISPENSED, OR DISTRIBUTED THE
25 OPIATE ANTAGONIST IN A GOOD FAITH EFFORT TO ASSIST:

26 (a) A PERSON WHO IS AT INCREASED RISK OF EXPERIENCING OR
27 LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT, AS

1 DEFINED IN SECTION 18-1-712 (5) (e), C.R.S.; OR

2 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
3 POSITION TO ASSIST A PERSON WHO IS AT INCREASED RISK OF
4 EXPERIENCING OR LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG
5 OVERDOSE EVENT, AS DEFINED IN SECTION 18-1-712 (5) (e), C.R.S.

6 **SECTION 7.** In Colorado Revised Statutes, 12-42.5-102, add
7 (42) (b) (XIV) as follows:

8 **12-42.5-102. Definitions.** As used in this article, unless the
9 context otherwise requires or the term is otherwise defined in another part
10 of this article:

11 (42) (b) "Wholesale distribution" does not include:

12 (XIV) THE DISTRIBUTION OF NALOXONE.

13 **SECTION 8.** In Colorado Revised Statutes, amend 12-42.5-105
14 as follows:

15 **12-42.5-105. Rules.** (1) The board shall make, adopt, amend, or
16 repeal rules in accordance with article 4 of title 24, C.R.S., that the board
17 deems necessary for the proper administration and enforcement of the
18 responsibilities and duties delegated to the board by this article, including
19 those relating to nuclear pharmacies.

20 (2) ON OR BEFORE JANUARY 1, 2014, THE BOARD SHALL ADOPT OR
21 AMEND RULES AS NECESSARY TO PERMIT THE DISPENSING OF AN OPIATE
22 ANTAGONIST, AS DEFINED IN SECTION 18-1-712 (5) (d), C.R.S., BY A
23 PHARMACIST TO A PERSON WHO IS AT INCREASED RISK OF EXPERIENCING
24 OR LIKELY TO EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT,
25 AS DEFINED IN SECTION 18-1-712 (5) (e), C.R.S., OR TO A FAMILY MEMBER,
26 FRIEND, OR OTHER PERSON WHO IS IN A POSITION TO ASSIST SUCH A
27 PERSON, SO LONG AS THE PRESCRIPTION FOR THE OPIATE ANTAGONIST

1 PROVIDES FOR THE DISPENSING OF THE OPIATE ANTAGONIST TO SUCH A
2 FAMILY MEMBER, FRIEND, OR OTHER PERSON.

3 **SECTION 9. Appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 division of professions and occupations cash fund created in section
6 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise
7 appropriated, to the department of regulatory agencies, for the fiscal year
8 beginning July 1, 2013, the sum of \$8,318, or so much thereof as may be
9 necessary, to be allocated for the implementation of this act as follows:

10 (a) \$6,000 to the division of professions and occupations for board
11 meeting costs; and

12 (b) \$2,318 to the executive director's office and administrative
13 services for the purchase of legal services.

14 (2) In addition to any other appropriation, there is hereby
15 appropriated to the department of law, for the fiscal year beginning July
16 1, 2013, the sum of \$2,318, or so much thereof as may be necessary, for
17 the provision of legal services for the department of regulatory agencies
18 related to the implementation of this act. Said sum is from reappropriated
19 funds received from the department of regulatory agencies out of the
20 appropriation made in paragraph (b) of subsection (1) of this section.

21 **SECTION 10. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.