
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1169 Session of
2024

INTRODUCED BY CAPPELLETTI, HUGHES, HAYWOOD, FONTANA, KANE,
COSTA, MILLER, SCHWANK, KEARNEY, BREWSTER, DILLON AND
COLLETT, MAY 16, 2024

REFERRED TO HEALTH AND HUMAN SERVICES, MAY 16, 2024

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 definitions and for drug overdose medication.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2(b) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding definitions to
17 read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Community college" means an institution now or hereafter
22 created under Article XIX-A of the act of March 10, 1949

1 (P.L.30, No.14), known as the Public School Code of 1949, or the
2 act of August 24, 1963 (P.L.1132, No.484), known as the
3 Community College Act of 1963.

4 * * *

5 "Coprescribe" means the practice of prescribing or dispensing
6 an emergency opioid antagonist in conjunction with an opioid
7 prescription.

8 "Correctional institution" means a correctional institution
9 as defined in 61 Pa.C.S. § 102 (relating to definitions) or a
10 facility that confines a juvenile under 42 Pa.C.S. Ch. 63
11 (relating to juvenile matters).

12 * * *

13 "Emergency opioid antagonist" means a drug, including
14 naloxone, approved by the United States Food and Drug
15 Administration for the complete or partial reversal of an
16 opioid-related overdose.

17 * * *

18 "Independent institution of higher education" means an
19 institution of higher education operated not for profit, located
20 in and incorporated or chartered by the Commonwealth, entitled
21 to confer degrees as provided in 24 Pa.C.S. § 6505 (relating to
22 power to confer degrees) and entitled to apply to itself the
23 designation "college" or "university" as provided for by
24 standards and qualifications prescribed by the State Board of
25 Education under 24 Pa.C.S. Ch. 65 (relating to private colleges,
26 universities and seminaries).

27 "Institution of higher education" means an independent
28 institution of higher education approved by the Department of
29 Education.

30 * * *

1 "Nonpublic school" means a nonprofit school, other than a
2 public school in this Commonwealth, at which a resident of this
3 Commonwealth may legally fulfill the compulsory school
4 attendance requirements of Article XIII of the Public School
5 Code of 1949 and that meets the requirements of 42 U.S.C. Ch. 21
6 Subch. V (relating to federally assisted programs).

7 * * *

8 "Opioid" means any of the following:

9 (1) A preparation or derivative of opium.

10 (2) A synthetic narcotic that has opiate-like effects
11 but is not derived from opium.

12 (3) A group of naturally occurring peptides that bind at
13 or otherwise influence opiate receptors, including an opioid
14 agonist.

15 * * *

16 "Public institution of higher education" means a community
17 college, State-owned institution or State-related institution
18 approved by the Department of Education.

19 "Public school" means a public school as defined in section
20 1101-B of the Public School Code of 1949.

21 * * *

22 "State-owned institution" means an institution that is part
23 of the State System of Higher Education under Article XX-A of
24 the Public School Code of 1949.

25 "State-related institution" means The Pennsylvania State
26 University, the University of Pittsburgh, Temple University or
27 Lincoln University, including the branch campuses of these
28 institutions.

29 * * *

30 Section 2. Section 13.8 of the act, amended November 3, 2022

1 (P.L.1984, No.135), is amended to read:

2 Section 13.8. Drug Overdose Medication.--(a) The
3 department, in carrying out its duties under 28 Pa. Code Ch.
4 1023 (relating to personnel), shall have the following duties:

5 (1) Amend the prehospital practitioner scope of practice of
6 emergency medical services providers to include the
7 administration of an opioid antagonist.

8 (2) In consultation with the Pennsylvania Emergency Health
9 Services Council, implement training, treatment protocols,
10 equipment lists and other policies and procedures for all types
11 of emergency medical services providers.

12 (3) In consultation with the Department of Drug and Alcohol
13 Programs, develop or approve training and instructional
14 materials [about recognizing opioid-related overdoses,
15 administering an opioid antagonist and promptly seeking medical
16 attention. The training and instruction materials shall be
17 provided free of charge on the Internet.] that comply with the
18 following:

19 (i) The training programs and training and instructional
20 materials shall cover the following items:

21 (A) The importance of emergency opioid antagonists in
22 preventing deaths from opioid-related overdoses.

23 (B) How to recognize the signs and symptoms of opioid-
24 related overdoses.

25 (C) The essential steps in responding to an opioid-related
26 overdose, including administering emergency opioid antagonists
27 and promptly seeking medical attention.

28 (D) Where and how to obtain emergency opioid antagonists in
29 this Commonwealth.

30 (E) How to destigmatize the possession of an emergency

1 opioid antagonist.

2 (F) State laws, including this section, limiting civil and
3 criminal liability for prescribing, dispensing, distributing or
4 administering emergency opioid antagonists or for contacting law
5 enforcement for individuals believed to be experiencing an
6 opioid-related overdose.

7 (ii) The department and the Department of Drug and Alcohol
8 Programs shall publish the training and instruction materials
9 free of charge on the departments' publicly accessible Internet
10 websites.

11 (iii) Training programs and training and instructional
12 materials prepared for public schools, nonpublic schools and
13 institutions of higher education under this paragraph shall
14 comply with all of the following:

15 (A) Be age appropriate.

16 (B) Be developed in consultation with the Department of
17 Education.

18 (C) Include guidelines for the trainings described under
19 subsections (h) and (i).

20 (iv) Training programs and training and instructional
21 materials prepared for correctional institutions under this
22 paragraph shall include guidelines for the trainings described
23 under subsection (c.2) and shall be developed in consultation
24 with the Department of Corrections.

25 (v) The department shall tailor the training programs to the
26 unique needs of each of the following groups:

27 (A) Individuals who may potentially administer an emergency
28 opioid antagonist to individuals exhibiting the signs of an
29 opioid-related overdose.

30 (B) Prescribers and dispensers.

1 (C) Law enforcement officers and firefighters.

2 (D) Emergency medical services providers.

3 (E) Laypeople and bystanders.

4 (F) Public schools, nonpublic schools and public

5 institutions of higher education.

6 (G) Correctional institution staff.

7 (H) Community-based organizations.

8 (4) In consultation with the Department of Drug and Alcohol

9 Programs and community-based organizations, establish a

10 Statewide educational initiative to promote the items listed

11 under paragraph (3)(i) and any additional measures that promote

12 safe distribution, use and administration of emergency opioid

13 antagonists in this Commonwealth.

14 (b) A law enforcement agency, fire department or fire
15 company may enter into written agreements with emergency medical
16 services agencies, with the consent of that agency's medical
17 director or a physician, to do the following:

18 (1) Obtain a supply of an emergency opioid antagonist.

19 (2) Authorize a law enforcement officer or firefighter who
20 has completed training under subsection (a)(2), or who has
21 received the training and instructional materials under
22 subsection (a)(3), to administer an emergency opioid antagonist
23 to an individual undergoing or believed to be undergoing an
24 opioid-related drug overdose.

25 (c) Notwithstanding any other law to the contrary, a health
26 care professional otherwise authorized to prescribe an emergency
27 opioid antagonist may dispense, prescribe or distribute the
28 emergency opioid antagonist directly or by a standing order to
29 an authorized law enforcement officer or firefighter in
30 accordance with an agreement under subsection (b) or to a person

1 at risk of experiencing an opioid-related overdose or family
2 member, friend or other person in a position to assist a person
3 at risk of experiencing an opioid-related overdose.

4 (c.1) Notwithstanding any other provision of law, a health
5 care professional issuing an initial or renewal prescription for
6 an opioid in this Commonwealth shall coprescribe an emergency
7 opioid antagonist.

8 (c.2) (1) A correctional institution shall provide training
9 and instructional materials developed and implemented by the
10 department under subsection (a) (3) to employes of the
11 correctional institution and incarcerated individuals. Employes
12 and volunteers of a correctional institution may take part in a
13 training program offered through the department under subsection
14 (a) (3).

15 (2) Notwithstanding any other provision of this act, a
16 health care professional authorized to issue prescriptions for
17 opioids in this Commonwealth may prescribe emergency opioid
18 antagonists in the name of a correctional institution to be
19 maintained for use under paragraph (5).

20 (3) A correctional institution shall maintain at the
21 correctional institution in a safe, secure location a supply of
22 emergency opioid antagonists.

23 (4) Individuals who are responsible for the storage and use
24 of emergency opioid antagonists under this subsection must
25 successfully complete a training program developed and
26 implemented by the department under subsection (a) (3).

27 (5) A correctional institution shall establish a prisoner
28 release program to do all of the following on the day of an
29 individual's release from incarceration:

30 (i) Offer the individual an emergency opioid antagonist.

1 (ii) Provide the individual with instructions on the use of
2 emergency opioid antagonists in the form of a written pamphlet
3 or other accessible instructional materials for an individual
4 with a disability.

5 (iii) Require the individual to sign a written form
6 indicating that the individual has been given the opportunity to
7 receive an emergency opioid antagonist.

8 (iv) Provide the individual with information regarding where
9 and how to obtain additional emergency opioid antagonist doses
10 locally.

11 (6) When offering an emergency opioid antagonist under
12 paragraph (5), the individual shall be given as much of the
13 emergency opioid antagonist as the individual requests and is
14 reasonably available at the correctional institution.

15 (d) The provisions of the act of September 27, 1961
16 (P.L.1700, No.699), known as the "Pharmacy Act," shall not apply
17 to a law enforcement officer or firefighter who stores an
18 emergency opioid antagonist pursuant to an agreement under
19 subsection (b), and in accordance with directions from the
20 health care professional that prescribed, dispensed or
21 distributed the emergency opioid antagonist, or to a person or
22 organization acting at the direction of a health care
23 professional authorized to prescribe an emergency opioid
24 antagonist so long as such activities are undertaken without
25 charge or compensation.

26 (e) (1) A licensed health care professional who, acting in
27 good faith, prescribes or dispenses an emergency opioid
28 antagonist shall not be subject to any criminal or civil
29 liability or any professional disciplinary action for:

30 (i) such prescribing or dispensing; or

1 (ii) any outcomes resulting from the eventual administration
2 of the emergency opioid antagonist.

3 (2) The immunity under paragraph (1) shall not apply to a
4 health professional who acts with intent to harm or with
5 reckless indifference to a substantial risk of harm.

6 (f) (1) A person, law enforcement agency, fire department
7 or fire company under subsection (b)(2) [~~or (c)~~], (c) or (c.2)
8 who, acting in good faith and with reasonable care, administers
9 an emergency opioid antagonist to another person whom the person
10 believes to be suffering an opioid-related drug overdose:

11 (i) Shall be immune from criminal prosecution, sanction
12 under any professional licensing statute and civil liability for
13 such act.

14 (ii) Shall not be subject to professional review for such
15 act.

16 (iii) Shall not be liable for any civil damages for acts or
17 omissions resulting from such act.

18 (2) Receipt of training and instructional materials that
19 meet the criteria of subsection (a) and the prompt seeking of
20 additional medical assistance shall create a rebuttable
21 presumption that the person acted with reasonable care in
22 administering an emergency opioid antagonist.

23 (g) Nothing in this section shall be interpreted to limit
24 any existing immunities for emergency response providers and
25 others provided for under 42 Pa.C.S. § 8332 (relating to
26 emergency response provider and bystander good Samaritan civil
27 immunity).

28 [(h) As used in this section, the term "opioid antagonist"
29 means a drug or device approved by the Federal Food, Drug, and
30 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) for

1 emergency reversal of known or suspected opioid overdose,
2 including naloxone hydrochloride or other similarly acting drugs
3 approved by the United States Food and Drug Administration for
4 the treatment of an opioid overdose.]

5 (h) (1) Each public school and public institution of higher
6 education shall authorize at least one school employe trained
7 under paragraph (5) to:

8 (i) Provide an emergency opioid antagonist that meets the
9 prescription on file for the school or institution to a student
10 or employe.

11 (ii) Administer to a student or employe an emergency opioid
12 antagonist that meets the prescription on file for the school or
13 institution.

14 (iii) Administer an emergency opioid antagonist that meets
15 the prescription on file for the school or institution to a
16 student or employe that the administering employe in good faith
17 believes to be having an opioid-related overdose.

18 (2) Notwithstanding any other provision of this act, a
19 health care professional authorized to issue prescriptions for
20 opioids in this Commonwealth may prescribe emergency opioid
21 antagonists in the name of the school or institution to be
22 maintained for use under paragraph (1).

23 (3) A school and institution shall maintain at the school or
24 institution in a safe, secure location a supply of emergency
25 opioid antagonists.

26 (4) A school and institution shall designate one or more
27 employes at the school or institution who shall be responsible
28 for the storage and use of the opioid emergency antagonists.

29 (5) Employes who are responsible for the storage and use of
30 emergency opioid antagonists under paragraph (4) must

1 successfully complete a training program developed and
2 implemented by the department under subsection (a)(3).

3 (6) Employes may utilize an emergency opioid antagonist from
4 the school's or institution's supply to administer an emergency
5 opioid antagonist to a student or employe in response to an
6 opioid-related overdose under paragraph (1).

7 (7) If a student or employe is believed to be having an
8 opioid-related overdose, the school's or institution's nurse or
9 an employe in the school or institution who is responsible for
10 the storage and use of emergency opioid antagonists shall
11 contact 911 as soon as possible.

12 (8) At the request of a parent or legal guardian of a public
13 school student or student at a public institution of higher
14 education who is a minor, the student shall be exempt from
15 paragraphs (1), (6) and (9). The principal of the school in
16 which the student is enrolled shall notify all parents or legal
17 guardians of the ability to exempt their children from
18 paragraphs (1), (6) and (9) by returning a signed opt-out form.

19 (9) The provisions of 42 Pa.C.S. §§ 8332 (relating to
20 emergency response provider and bystander good Samaritan civil
21 immunity) and 8337.1 (relating to civil immunity of school
22 officers or employees relating to emergency care, first aid and
23 rescue) shall apply to an individual who administers an
24 emergency opioid antagonist under this subsection.

25 (10) Administration of an emergency opioid antagonist under
26 this subsection shall comply with 29 U.S.C. § 794 (relating to
27 nondiscrimination under Federal grants and programs) and 22 Pa.
28 Code Ch. 15 (relating to protected handicapped students).

29 (11) A school and institution shall provide training
30 programs and training and instructional materials developed and

1 implemented by the department under subsection (a)(3) to
2 employes and students. All employes of public schools and public
3 institutions of higher education may take part in a training
4 program offered through the department under subsection (a)(3).

5 (i) (1) A nonpublic school and independent institution of
6 higher education may authorize at least one employe trained
7 under paragraph (5) to:

8 (i) Provide an emergency opioid antagonist that meets the
9 prescription on file for the school or institution to a student
10 or employe.

11 (ii) Administer to a student or employe an emergency opioid
12 antagonist that meets the prescription on file for the school or
13 institution.

14 (iii) Administer an emergency opioid antagonist that meets
15 the prescription on file for the school or institution to a
16 student or employe that the administering employe in good faith
17 believes to be having an opioid-related overdose.

18 (2) Notwithstanding any other provision of this act, a
19 health care professional authorized to issue prescriptions for
20 opioids in this Commonwealth may prescribe emergency opioid
21 antagonists in the name of the school or institution to be
22 maintained for use under paragraph (1).

23 (3) A school and institution may maintain at the school or
24 institution in a safe, secure location a supply of emergency
25 opioid antagonists.

26 (4) A school and institution that authorizes the provision
27 of emergency opioid antagonists under this subsection shall
28 designate one or more employes at each school and institution
29 who shall be responsible for the storage and use of the opioid
30 emergency antagonists.

1 (5) Employees who are responsible for the storage and use of
2 emergency opioid antagonists must successfully complete a
3 training program developed and implemented by the department
4 under subsection (a)(3).

5 (6) An employe trained under paragraph (5) may utilize an
6 emergency opioid antagonist from the school's or institution's
7 supply to administer emergency opioid antagonists to a student
8 or employe in response to an opioid-related overdose under
9 paragraph (1).

10 (7) If a student or employe is believed to be having an
11 opioid-related overdose, the school's or institution's nurse or
12 an employe in the school or institution who is responsible for
13 the storage and use of emergency opioid antagonists shall
14 contact 911 as soon as possible.

15 (8) At the request of a parent or legal guardian of a
16 nonpublic school student or student at an independent
17 institution of higher education who is a minor, a student shall
18 be exempt from paragraphs (1), (6) and (9). The principal of the
19 school or institution in which the student is enrolled shall
20 notify all parents and legal guardians of the ability to exempt
21 their children from paragraphs (1), (6) and (9) by returning a
22 signed opt-out form.

23 (9) The provisions of 42 Pa.C.S. §§ 8332 and 8337.1 shall
24 apply to an individual who administers an emergency opioid
25 antagonist under this subsection.

26 (10) Administration of an emergency opioid antagonist under
27 this subsection shall comply with 29 U.S.C. § 794 and 22 Pa.
28 Code Ch. 15.

29 (11) A school and institution may provide training programs
30 and training and instructional materials developed and

1 implemented by the department under subsection (a)(3) to
2 employes and students. All employes of nonpublic schools and
3 independent institutions of higher education may take part in a
4 training program offered through the department under subsection
5 (a)(3).

6 Section 3. This act shall take effect in 60 days.