

ENROLLED ACT NO. 50, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to public health and safety; creating the Emergency Administration of Opiate Antagonist Act; providing for prescription and administration of an opiate antagonist drug as specified; granting immunity from criminal or civil liability for specified conduct; providing rulemaking authority; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 33-24-158 and 35-4-901 through 35-4-906 are created to read:

**33-24-158. Prescription of opiate antagonist by pharmacist.**

(a) A pharmacist licensed under this act may prescribe an opiate antagonist in accordance with the Emergency Administration of Opiate Antagonist Act.

(b) The board, in cooperation with the Wyoming state board of medicine, shall adopt rules specifying the requirements a pharmacist shall meet in order to prescribe an opiate antagonist.

ARTICLE 9  
EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST ACT

**35-4-901. Short title.**

This article may be cited as the "Emergency Administration of Opiate Antagonist Act."

**35-4-902. Definitions.**

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(a) As used in this article:

(i) "Opiate antagonist" means naloxone hydrochloride, narcan or any other brand name used for naloxone hydrochloride approved by the United States food and drug administration for the treatment of an opiate related drug overdose;

(ii) "Opiate related drug overdose" means a condition, including extreme physical illness, a decreased level of consciousness or respiratory depression resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, that a reasonable person would believe to require medical assistance;

(iii) "Pharmacist" means any person licensed under Wyoming statutes as a pharmacist and who is practicing within the scope of their license;

(iv) "Practitioner" means any person licensed under Wyoming statutes as a physician, physician assistant or advanced practice registered nurse and who is practicing within the scope of their license;

(v) "Standing order" means an order transmitted electronically or in writing by a practitioner for a drug or device for a patient or multiple patients with whom no prescriber-patient relationship exists.

**35-4-903. Prescription of opiate antagonist.**

(a) A practitioner or a pharmacist acting in good faith and exercising reasonable care may, without a

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prescriber-patient relationship, prescribe an opiate antagonist to:

(i) A person at risk of experiencing an opiate related drug overdose;

(ii) A person in a position to assist a person at risk of experiencing an opiate related drug overdose;

(iii) A person who, in the course of the person's official duties or business, may encounter a person experiencing an opiate related drug overdose.

(b) A practitioner or pharmacist who prescribes an opiate antagonist under this article shall provide education to the person to whom the opiate antagonist is prescribed, which shall include written instruction on how to:

(i) Recognize an opiate related drug overdose;

(ii) Respond appropriately to an opiate related drug overdose event, including how to administer an opiate antagonist;

(iii) Ensure that a person to whom an opiate antagonist has been administered receives, as soon as possible, additional medical care and a medical evaluation.

**35-4-904. Standing order for opiate antagonist; drug overdose treatment policy; rules.**

(a) A practitioner acting in good faith and exercising reasonable care may prescribe by a standing order an opiate antagonist to an entity that, in the course

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of the entity's official duties or business, may be in a position to assist a person experiencing an opiate related drug overdose.

(b) An entity prescribed an opiate antagonist by standing order shall establish a drug overdose treatment policy in accordance with rules adopted by the department of health. The drug overdose treatment policy shall:

(i) Provide for the designation of individuals to receive training and instructional materials on how to recognize and respond to an opiate related drug overdose and ensure that a person to whom an opiate antagonist has been administered receives additional medical care and a medical evaluation;

(ii) Provide for reporting to the department of health, in the manner and form prescribed by the department, all opiate related drug overdoses for which an opiate antagonist is administered.

(c) The Wyoming state board of medicine and the Wyoming state board of nursing may adopt rules as necessary to implement and administer prescription of an opiate antagonist by a standing order.

**35-4-905. Voluntary participation.**

This article does not establish a duty or standard of care for a person to prescribe or administer an opiate antagonist.

**35-4-906. Administration of an opiate antagonist; immunity from liability; exemption from unprofessional conduct; relation to other law.**

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(a) A person acting in good faith may administer an opiate antagonist to another person who appears to be experiencing an opiate related drug overdose.

(b) A person who administers an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(c) A practitioner or pharmacist who prescribes an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(d) An entity that establishes a drug overdose treatment policy pursuant to this article is immune from civil or criminal liability for any act or omission related to the administration of an opiate antagonist resulting in damage or injury.

(e) Prescribing an opiate antagonist by a practitioner or pharmacist pursuant to this article shall not constitute unprofessional conduct.

(f) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act conflict with any provision of this article, this article shall prevail.

ORIGINAL SENATE  
FILE NO. SF0042

ENGROSSED

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**Section 2.** This act is effective July 1, 2017.

(END)

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk