

SB014\_L.002

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.SB13-014 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

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

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

9           (c) Opiate antagonists have been shown to be safe and effective  
10 at reducing overdose death; and

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

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

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

20           **18-1-712. Immunity for a person who administers an opiate**  
21 **antagonist during an opiate-related drug overdose event - definitions.**

22 (1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY  
23 ENCOURAGES THE ADMINISTRATION OF OPIATE ANTAGONISTS FOR THE  
24 PURPOSE OF SAVING THE LIVES OF PEOPLE WHO SUFFER OPIATE-RELATED  
25 DRUG OVERDOSE EVENTS. A PERSON WHO ADMINISTERS AN OPIATE  
26 ANTAGONIST TO ANOTHER PERSON IS URGED TO CALL FOR EMERGENCY  
27 MEDICAL SERVICES IMMEDIATELY.

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

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

36           (I) SUCH PRESCRIBING OR DISPENSING; OR

37           (II) ANY OUTCOMES RESULTING FROM THE EVENTUAL



1 ADMINISTRATION OF THE OPIATE ANTAGONIST BY A LAYPERSON.  
2 (b) A PRESCRIBER WHO DISPENSES AN OPIATE ANTAGONIST SHALL  
3 EDUCATE PERSONS RECEIVING THE OPIATE ANTAGONIST ON THE USE OF AN  
4 OPIATE ANTAGONIST FOR OVERDOSE, INCLUDING BUT NOT LIMITED TO  
5 INSTRUCTION CONCERNING RISK FACTORS FOR OVERDOSE, RECOGNITION  
6 OF OVERDOSE, CALLING EMERGENCY MEDICAL SERVICES, RESCUE  
7 BREATHING, AND ADMINISTRATION OF AN OPIATE ANTAGONIST.  
8 (4) THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED  
9 TO ESTABLISH ANY DUTY OR STANDARD OF CARE IN THE PRESCRIBING,  
10 DISPENSING, OR ADMINISTRATION OF AN OPIATE ANTAGONIST.  
11 (5) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
12 OTHERWISE REQUIRES:  
13 (a) "HEALTH CARE FACILITY" MEANS A HOSPITAL, A HOSPICE  
14 INPATIENT RESIDENCE, A NURSING FACILITY, A DIALYSIS TREATMENT  
15 FACILITY, AN ASSISTED LIVING RESIDENCE, AN ENTITY THAT PROVIDES  
16 HOME- AND COMMUNITY-BASED SERVICES, A HOSPICE OR HOME HEALTH  
17 CARE AGENCY, OR ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO  
18 PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED,  
19 CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO  
20 PROVIDE MEDICAL TREATMENT.  
21 (b) (I) "HEALTH CARE PROVIDER" MEANS:  
22 (A) A LICENSED OR CERTIFIED PHYSICIAN, NURSE PRACTITIONER,  
23 PHYSICIAN ASSISTANT, OR PHARMACIST; OR  
24 (B) A HEALTH MAINTENANCE ORGANIZATION LICENSED AND  
25 CONDUCTING BUSINESS IN THIS STATE.  
26 (II) "HEALTH CARE PROVIDER" DOES NOT INCLUDE A PODIATRIST,  
27 OPTOMETRIST, DENTIST, OR VETERINARIAN.  
28 (c) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION  
29 18-18-102 (21).  
30 (d) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR  
31 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE  
32 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG  
33 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.  
34 (e) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE  
35 CONDITION, INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF  
36 CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE  
37 CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER  
38 SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND  
39 THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN  
40 OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL  
41 ASSISTANCE.

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

3           **13-21-108.7. Persons rendering emergency assistance through**  
4 **the administration of an opiate antagonist - limited immunity -**  
5 **legislative declaration - definitions. (1) Legislative declaration.** THE  
6 GENERAL ASSEMBLY HEREBY ENCOURAGES THE ADMINISTRATION OF  
7 OPIATE ANTAGONISTS FOR THE PURPOSE OF SAVING THE LIVES OF PEOPLE  
8 WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS. A PERSON WHO  
9 ADMINISTERS AN OPIATE ANTAGONIST TO ANOTHER PERSON IS URGED TO  
10 CALL FOR EMERGENCY MEDICAL SERVICES IMMEDIATELY.

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

13           **(a) "HEALTH CARE FACILITY"** MEANS A HOSPITAL, A HOSPICE  
14 INPATIENT RESIDENCE, A NURSING FACILITY, A DIALYSIS TREATMENT  
15 FACILITY, AN ASSISTED LIVING RESIDENCE, AN ENTITY THAT PROVIDES  
16 HOME- AND COMMUNITY-BASED SERVICES, A HOSPICE OR HOME HEALTH  
17 CARE AGENCY, OR ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO  
18 PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED,  
19 CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO  
20 PROVIDE MEDICAL TREATMENT.

21           **(b) (I) "HEALTH CARE PROVIDER"** MEANS:

22           **(A)** A LICENSED OR CERTIFIED PHYSICIAN, NURSE PRACTITIONER,  
23 PHYSICIAN ASSISTANT, OR PHARMACIST; OR

24           **(B)** A HEALTH MAINTENANCE ORGANIZATION LICENSED AND  
25 CONDUCTING BUSINESS IN THIS STATE.

26           **(II) "HEALTH CARE PROVIDER"** DOES NOT INCLUDE A PODIATRIST,  
27 OPTOMETRIST, DENTIST, OR VETERINARIAN.

28           **(c) "OPIATE"** HAS THE SAME MEANING AS SET FORTH IN SECTION  
29 18-18-102 (21), C.R.S.

30           **(d) "OPIATE ANTAGONIST"** MEANS NALOXONE HYDROCHLORIDE OR  
31 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE  
32 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG  
33 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

34           **(e) "OPIATE-RELATED DRUG OVERDOSE EVENT"** MEANS AN ACUTE  
35 CONDITION, INCLUDING BUT NOT LIMITED TO A DECREASED LEVEL OF  
36 CONSCIOUSNESS OR RESPIRATORY DEPRESSION RESULTING FROM THE  
37 CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE, OR ANOTHER  
38 SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED, AND  
39 THAT A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN  
40 OPIATE-RELATED DRUG OVERDOSE EVENT THAT REQUIRES MEDICAL  
41 ASSISTANCE.



1 (3) **General immunity.** A PERSON OTHER THAN A HEALTH CARE  
2 PROVIDER OR A HEALTH CARE FACILITY WHO ACTS IN GOOD FAITH TO  
3 ADMINISTER AN OPIATE ANTAGONIST TO ANOTHER PERSON WHOM THE  
4 PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE  
5 EVENT SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR  
6 OMISSIONS MADE AS A RESULT OF SUCH ACT.

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

10 (I) SUCH PRESCRIBING OR DISPENSING; OR

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

13 (b) A PRESCRIBER WHO DISPENSES AN OPIATE ANTAGONIST SHALL  
14 EDUCATE PERSONS RECEIVING THE OPIATE ANTAGONIST ON THE USE OF AN  
15 OPIATE ANTAGONIST FOR OVERDOSE, INCLUDING BUT NOT LIMITED TO  
16 INSTRUCTION CONCERNING RISK FACTORS FOR OVERDOSE, RECOGNITION  
17 OF OVERDOSE, CALLING EMERGENCY MEDICAL SERVICES, RESCUE  
18 BREATHING, AND ADMINISTRATION OF AN OPIATE ANTAGONIST.

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

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

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

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

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

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

38 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

39 (3) THE DISPENSING OR DISTRIBUTION OF AN OPIATE ANTAGONIST BY A  
40 PHARMACIST SHALL NOT CONSTITUTE UNPROFESSIONAL CONDUCT IF HE OR  
41 SHE DISPENSED OR DISTRIBUTED THE OPIATE ANTAGONIST IN A GOOD FAITH



1 EFFORT TO ASSIST:

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

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

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

11 **12-38-117. Grounds for discipline.** (6) THE PRESCRIBING,  
12 DISPENSING, OR DISTRIBUTION OF AN OPIATE ANTAGONIST BY AN  
13 ADVANCED PRACTICE NURSE SHALL NOT CONSTITUTE GROUNDS FOR  
14 DISCIPLINE IF HE OR SHE PRESCRIBED, DISPENSED, OR DISTRIBUTED THE  
15 OPIATE ANTAGONIST IN A GOOD FAITH EFFORT TO ASSIST:

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

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

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

25 **12-42.5-102. Definitions.** As used in this article, unless the  
26 context otherwise requires or the term is otherwise defined in another part  
27 of this article:

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

29 (XIV) THE DISTRIBUTION OF NALOXONE.

30 **SECTION 8. Safety clause.** The general assembly hereby finds,  
31 determines, and declares that this act is necessary for the immediate  
32 preservation of the public peace, health, and safety."

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