

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0059.01 Christy Chase x2008

SENATE BILL 15-053

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

McCann and Lontine,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY TO FURNISH A SUPPLY OF EMERGENCY**
102 **DRUGS FOR PURPOSES OF TREATING INDIVIDUALS WHO MAY**
103 **EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT.**

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>.)

Under current law, physicians, physician assistants, and advanced practice nurses with prescriptive authority (collectively referred to as licensed prescribers), as well as pharmacists (licensed dispensers), are not subject to civil or criminal liability or professional discipline when they prescribe or dispense an opiate antagonist in a good-faith effort to assist

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.

an individual experiencing an opiate-related drug overdose event or to assist a friend, family member, or other person who is able to provide assistance to an individual who may experience an opiate-related drug overdose event.

The bill allows licensed prescribers to prescribe, and licensed dispensers to dispense, an opiate antagonist, either pursuant to a direct prescription order or in accordance with standing orders and protocols, to:

- ! An individual at risk of experiencing an opiate-related drug overdose event;
- ! A family member, friend, or other person in a position to assist an at-risk individual;
- ! An employee or volunteer of a harm reduction organization; or
- ! A first responder.

Licensed prescribers and dispensers acting in good faith in prescribing or dispensing opiate antagonists as permitted under the bill are immune from professional discipline and civil and criminal liability. Additionally, first responders and harm reduction employees and volunteers are not subject to criminal or civil liability when acting in good faith to furnish or administer an opiate antagonist to an at-risk individual or a family member, friend, or other person in a position to assist an at-risk individual.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-36-117.7 as
3 follows:

4 **12-36-117.7. Prescribing opiate antagonists - definitions.** (1) A
5 PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE
6 MAY PRESCRIBE OR DISPENSE, DIRECTLY OR IN ACCORDANCE WITH
7 STANDING ORDERS AND PROTOCOLS, AN OPIATE ANTAGONIST TO:

8 (a) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
9 DRUG OVERDOSE EVENT;

10 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON IN A POSITION
11 TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
12 DRUG OVERDOSE EVENT;

13 (c) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION

1 ORGANIZATION; OR

2 (d) A FIRST RESPONDER.

3 (2) A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT WHO
4 PRESCRIBES OR DISPENSES AN OPIATE ANTAGONIST PURSUANT TO THIS
5 SECTION IS STRONGLY ENCOURAGED TO EDUCATE PERSONS RECEIVING THE
6 OPIATE ANTAGONIST ON THE USE OF AN OPIATE ANTAGONIST FOR
7 OVERDOSE, INCLUDING INSTRUCTION CONCERNING RISK FACTORS FOR
8 OVERDOSE, RECOGNIZING AN OVERDOSE, CALLING EMERGENCY MEDICAL
9 SERVICES, RESCUE BREATHING, AND ADMINISTERING AN OPIATE
10 ANTAGONIST.

11 (3) A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT DOES NOT
12 ENGAGE IN UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-36-117
13 IF THE PHYSICIAN OR PHYSICIAN ASSISTANT ISSUES STANDING ORDERS AND
14 PROTOCOLS REGARDING OPIATE ANTAGONISTS OR PRESCRIBES OR
15 DISPENSES AN OPIATE ANTAGONIST IN A GOOD-FAITH EFFORT TO ASSIST:

16 (a) AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
17 OPIATE-RELATED DRUG OVERDOSE EVENT;

18 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
19 POSITION TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
20 OPIATE-RELATED DRUG OVERDOSE EVENT; OR

21 (c) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
22 HARM REDUCTION ORGANIZATION IN RESPONDING TO, TREATING, OR
23 OTHERWISE ASSISTING AN INDIVIDUAL WHO IS EXPERIENCING OR IS AT RISK
24 OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR A
25 FRIEND, FAMILY MEMBER, OR OTHER PERSON IN A POSITION TO ASSIST AN
26 AT-RISK INDIVIDUAL.

27 (4) A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT WHO

1 PRESCRIBES OR DISPENSES AN OPIATE ANTAGONIST IN ACCORDANCE WITH
2 THIS SECTION IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL
3 PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (4) AND 18-1-712
4 (3), C.R.S., RESPECTIVELY.

5 (5) THIS SECTION DOES NOT ESTABLISH A DUTY OR STANDARD OF
6 CARE REGARDING THE PRESCRIBING, DISPENSING, OR ADMINISTERING OF
7 AN OPIATE ANTAGONIST.

8 (6) AS USED IN THIS SECTION:

9 (a) "FIRST RESPONDER" MEANS:

10 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

11 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

12 OR

13 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
14 31-30-1102 (9), C.R.S.

15 (b) "HARMREDUCTION ORGANIZATION" MEANS AN ORGANIZATION
16 THAT PROVIDES SERVICES, INCLUDING MEDICAL CARE, COUNSELING,
17 HOMELESS SERVICES, OR DRUG TREATMENT, TO INDIVIDUALS AT RISK OF
18 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR TO THE
19 FRIENDS AND FAMILY MEMBERS OF AN AT-RISK INDIVIDUAL.

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

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

26 (e) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
27 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR

1 RESPIRATORY DEPRESSION, THAT:

2 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
3 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
4 SUBSTANCE WAS COMBINED;

5 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY
6 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

7 (III) REQUIRES MEDICAL ASSISTANCE.

8 (f) "PROTOCOL" MEANS A SPECIFIC WRITTEN PLAN FOR A COURSE
9 OF MEDICAL TREATMENT CONTAINING A WRITTEN SET OF SPECIFIC
10 DIRECTIONS CREATED BY A PHYSICIAN, GROUP OF PHYSICIANS, HOSPITAL
11 MEDICAL COMMITTEE, OR PHARMACY AND THERAPEUTICS COMMITTEE.

12 (g) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN
13 BY A PHYSICIAN OR PHYSICIAN ASSISTANT THAT IS NOT SPECIFIC TO AND
14 DOES NOT IDENTIFY A PARTICULAR PATIENT.

15 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **repeal**
16 (1.7) as follows:

17 **12-36-117. Unprofessional conduct.** (1.7) ~~The prescribing,~~
18 ~~dispensing, or distribution of an opiate antagonist by a licensed health~~
19 ~~care practitioner shall not constitute unprofessional conduct if he or she~~
20 ~~prescribed, dispensed, or distributed the opiate antagonist in a good faith~~
21 ~~effort to assist:~~

22 (a) ~~A person who is at increased risk of experiencing or likely to~~
23 ~~experience an opiate-related drug overdose event, as defined in section~~
24 ~~18-1-712 (5) (e), C.R.S.; or~~

25 (b) ~~A family member, friend, or other person who is in a position~~
26 ~~to assist a person who is at increased risk of experiencing or likely to~~
27 ~~experience an opiate-related drug overdose event, as defined in section~~

1 ~~18-1-712 (5) (e), C.R.S.~~

2 **SECTION 3.** In Colorado Revised Statutes, **add** 12-38-125.5 as
3 follows:

4 **12-38-125.5. Prescribing opiate antagonists - definitions.**

5 (1) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY
6 PURSUANT TO SECTION 12-38-111.6 MAY PRESCRIBE OR DISPENSE,
7 DIRECTLY OR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS,
8 AN OPIATE ANTAGONIST TO:

9 (a) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
10 DRUG OVERDOSE EVENT;

11 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON IN A POSITION
12 TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
13 DRUG OVERDOSE EVENT;

14 (c) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
15 ORGANIZATION; OR

16 (d) A FIRST RESPONDER.

17 (2) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
18 AUTHORITY WHO PRESCRIBES OR DISPENSES AN OPIATE ANTAGONIST
19 PURSUANT TO THIS SECTION IS STRONGLY ENCOURAGED TO EDUCATE
20 PERSONS RECEIVING THE OPIATE ANTAGONIST ON THE USE OF AN OPIATE
21 ANTAGONIST FOR OVERDOSE, INCLUDING INSTRUCTION CONCERNING RISK
22 FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE, CALLING
23 EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND ADMINISTERING
24 AN OPIATE ANTAGONIST.

25 (3) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
26 AUTHORITY DOES NOT ENGAGE IN CONDUCT THAT IS GROUNDS FOR
27 DISCIPLINE PURSUANT TO SECTION 12-38-117 IF THE ADVANCED PRACTICE

1 NURSE ISSUES STANDING ORDERS AND PROTOCOLS REGARDING OPIATE
2 ANTAGONISTS OR PRESCRIBES OR DISPENSES AN OPIATE ANTAGONIST IN A
3 GOOD-FAITH EFFORT TO ASSIST:

4 (a) AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
5 OPIATE-RELATED DRUG OVERDOSE EVENT;

6 (b) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
7 POSITION TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
8 OPIATE-RELATED DRUG OVERDOSE EVENT;

9 (c) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
10 HARM REDUCTION ORGANIZATION IN RESPONDING TO, TREATING, OR
11 OTHERWISE ASSISTING AN INDIVIDUAL WHO IS EXPERIENCING OR IS AT RISK
12 OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR A
13 FRIEND, FAMILY MEMBER, OR OTHER PERSON IN A POSITION TO ASSIST AN
14 AT-RISK INDIVIDUAL.

15 (4) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
16 AUTHORITY WHO PRESCRIBES OR DISPENSES AN OPIATE ANTAGONIST IN
17 ACCORDANCE WITH THIS SECTION IS NOT SUBJECT TO CIVIL LIABILITY OR
18 CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (4) AND
19 18-1-712 (3), C.R.S., RESPECTIVELY.

20 (5) THIS SECTION DOES NOT ESTABLISH A DUTY OR STANDARD OF
21 CARE REGARDING THE PRESCRIBING, DISPENSING, OR ADMINISTERING OF
22 AN OPIATE ANTAGONIST.

23 (6) AS USED IN THIS SECTION:

24 (a) "FIRST RESPONDER" MEANS:

25 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

26 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

27 OR

1 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
2 31-30-1102 (9), C.R.S.

3 (b) "HARMREDUCTIONORGANIZATION" MEANS AN ORGANIZATION
4 THAT PROVIDES SERVICES, INCLUDING MEDICAL CARE, COUNSELING,
5 HOMELESS SERVICES, OR DRUG TREATMENT, TO INDIVIDUALS AT RISK OF
6 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR TO THE
7 FRIENDS AND FAMILY MEMBERS OF AN AT-RISK INDIVIDUAL.

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

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

14 (e) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
15 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR
16 RESPIRATORY DEPRESSION, THAT:

17 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
18 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
19 SUBSTANCE WAS COMBINED;

20 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY
21 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

22 (III) REQUIRES MEDICAL ASSISTANCE.

23 (f) "PROTOCOL" MEANS A SPECIFIC WRITTEN PLAN FOR A COURSE
24 OF MEDICAL TREATMENT CONTAINING A WRITTEN SET OF SPECIFIC
25 DIRECTIONS CREATED BY A PHYSICIAN, GROUP OF PHYSICIANS, HOSPITAL
26 MEDICAL COMMITTEE, OR PHARMACY AND THERAPEUTICS COMMITTEE.

27 (g) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN

1 BY A PHYSICIAN OR PHYSICIAN ASSISTANT THAT IS NOT SPECIFIC TO AND
2 DOES NOT IDENTIFY A PARTICULAR PATIENT.

3 **SECTION 4.** In Colorado Revised Statutes, 12-38-117, **repeal** (6)
4 as follows:

5 **12-38-117. Grounds for discipline.** (6) ~~The prescribing,~~
6 ~~dispensing, or distribution of an opiate antagonist by an advanced practice~~
7 ~~nurse shall not constitute grounds for discipline if he or she prescribed,~~
8 ~~dispensed, or distributed the opiate antagonist in a good faith effort to~~
9 ~~assist:~~

10 (a) ~~A person who is at increased risk of experiencing or likely to~~
11 ~~experience an opiate-related drug overdose event, as defined in section~~
12 ~~18-1-712 (5) (e), C.R.S.; or~~

13 (b) ~~A family member, friend, or other person who is in a position~~
14 ~~to assist a person who is at increased risk of experiencing or likely to~~
15 ~~experience an opiate-related drug overdose event, as defined in section~~
16 ~~18-1-712 (5) (e), C.R.S.~~

17 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-105, **amend**
18 (2) as follows:

19 **12-42.5-105. Rules.** (2) On or before January 1, 2014 2016, the
20 board shall adopt or amend rules as necessary to permit the dispensing of
21 an opiate antagonist as defined in section 18-1-712 (5) (d), C.R.S., by a
22 pharmacist to a person who is at increased risk of experiencing or likely
23 to experience an opiate-related drug overdose event, as defined in section
24 18-1-712 (5) (e), C.R.S., or to a family member, friend, or other person
25 who is in a position to assist such a person, so long as the prescription for
26 the opiate antagonist provides for the dispensing of the opiate antagonist
27 to such a family member, friend, or other person IN ACCORDANCE WITH

1 SECTION 12-42.5-120 (3).

2 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-120, **amend**
3 (1); and **add** (3) as follows:

4 **12-42.5-120. Prescription required - exception - dispensing**
5 **opiate antagonists - definitions.** (1) Except as provided in section
6 18-18-414, C.R.S., and ~~subsection (2)~~ SUBSECTIONS (2) AND (3) of this
7 section, an order is required prior to dispensing any prescription drug.
8 Orders shall be readily retrievable within the appropriate statute of
9 limitations.

10 (3) (a) A PHARMACIST MAY DISPENSE, PURSUANT TO AN ORDER OR
11 STANDING ORDERS AND PROTOCOLS, AN OPIATE ANTAGONIST TO:

12 (I) AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
13 DRUG OVERDOSE EVENT;

14 (II) A FAMILY MEMBER, FRIEND, OR OTHER PERSON IN A POSITION
15 TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED
16 DRUG OVERDOSE EVENT;

17 (III) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
18 ORGANIZATION; OR

19 (IV) A FIRST RESPONDER.

20 (b) A PHARMACIST WHO DISPENSES AN OPIATE ANTAGONIST
21 PURSUANT TO THIS SUBSECTION (3) IS STRONGLY ENCOURAGED TO
22 EDUCATE PERSONS RECEIVING THE OPIATE ANTAGONIST ON THE USE OF AN
23 OPIATE ANTAGONIST FOR OVERDOSE, INCLUDING INSTRUCTION
24 CONCERNING RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE,
25 CALLING EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND
26 ADMINISTERING AN OPIATE ANTAGONIST.

27 (c) (I) A PHARMACIST DOES NOT ENGAGE IN UNPROFESSIONAL

1 CONDUCT PURSUANT TO SECTION 12-42.5-123 IF THE PHARMACIST
2 DISPENSES, PURSUANT TO AN ORDER OR STANDING ORDERS AND
3 PROTOCOLS, AN OPIATE ANTAGONIST IN A GOOD-FAITH EFFORT TO ASSIST:

4 (A) AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
5 OPIATE-RELATED DRUG OVERDOSE EVENT;

6 (B) A FAMILY MEMBER, FRIEND, OR OTHER PERSON WHO IS IN A
7 POSITION TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN
8 OPIATE-RELATED DRUG OVERDOSE EVENT; OR

9 (C) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
10 HARM REDUCTION ORGANIZATION IN RESPONDING TO, TREATING, OR
11 OTHERWISE ASSISTING AN INDIVIDUAL WHO IS EXPERIENCING OR IS AT RISK
12 OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR A
13 FRIEND, FAMILY MEMBER, OR OTHER PERSON IN A POSITION TO ASSIST AN
14 AT-RISK INDIVIDUAL.

15 (II) A PHARMACIST WHO DISPENSES AN OPIATE ANTAGONIST IN
16 ACCORDANCE WITH THIS SECTION IS NOT SUBJECT TO CIVIL LIABILITY OR
17 CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (4) AND
18 18-1-712 (3), C.R.S., RESPECTIVELY.

19 (III) THIS SUBSECTION (3) DOES NOT ESTABLISH A DUTY OR
20 STANDARD OF CARE REGARDING THE DISPENSING OF AN OPIATE
21 ANTAGONIST.

22 (d) (I) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
23 HARM REDUCTION ORGANIZATION MAY, PURSUANT TO AN ORDER OR
24 STANDING ORDERS AND PROTOCOLS:

25 (A) POSSESS AN OPIATE ANTAGONIST;

26 (B) FURNISH AN OPIATE ANTAGONIST TO A FAMILY MEMBER,
27 FRIEND, OR OTHER PERSON WHO IS IN A POSITION TO ASSIST AN INDIVIDUAL

1 WHO IS AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE
2 EVENT; OR

3 (C) ADMINISTER AN OPIATE ANTAGONIST TO AN INDIVIDUAL
4 EXPERIENCING, OR WHO A REASONABLE PERSON WOULD BELIEVE IS
5 EXPERIENCING, AN OPIATE-RELATED DRUG OVERDOSE EVENT.

6 (II) A FIRST RESPONDER OR HARM REDUCTION ORGANIZATION IS
7 STRONGLY ENCOURAGED TO EDUCATE ITS EMPLOYEES AND VOLUNTEERS,
8 AS WELL AS PERSONS RECEIVING AN OPIATE ANTAGONIST FROM THE FIRST
9 RESPONDER OR HARM REDUCTION ORGANIZATION, ON THE USE OF AN
10 OPIATE ANTAGONIST FOR OVERDOSE, INCLUDING INSTRUCTION
11 CONCERNING RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE,
12 CALLING EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND
13 ADMINISTERING AN OPIATE ANTAGONIST.

14 (III) A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
15 HARM REDUCTION ORGANIZATION ACTING IN ACCORDANCE WITH THIS
16 PARAGRAPH (d) IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL
17 PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (3) AND 18-1-712
18 (2), C.R.S., RESPECTIVELY.

19 (e) AS USED IN THIS SECTION:

20 (I) "FIRST RESPONDER" MEANS:

21 (A) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.;

22 (B) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10), C.R.S.;

23 OR

24 (C) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
25 31-30-1102 (9), C.R.S.

26 (II) "HARM REDUCTION ORGANIZATION" MEANS AN ORGANIZATION
27 THAT PROVIDES SERVICES, INCLUDING MEDICAL CARE, COUNSELING,

1 HOMELESS SERVICES, OR DRUG TREATMENT, TO INDIVIDUALS AT RISK OF
2 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR TO THE
3 FRIENDS AND FAMILY MEMBERS OF AN AT-RISK INDIVIDUAL.

4 (III) "OPIATE" HAS THE SAME MEANING AS SET FORTH IN SECTION
5 18-18-102 (21), C.R.S.

6 (IV) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE
7 OR ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE
8 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
9 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

10 (V) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
11 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR
12 RESPIRATORY DEPRESSION, THAT:

13 (A) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
14 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
15 SUBSTANCE WAS COMBINED;

16 (B) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY
17 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

18 (C) REQUIRES MEDICAL ASSISTANCE.

19 (VI) "PROTOCOL" MEANS A SPECIFIC WRITTEN PLAN FOR A COURSE
20 OF MEDICAL TREATMENT CONTAINING A WRITTEN SET OF SPECIFIC
21 DIRECTIONS CREATED BY A PHYSICIAN, GROUP OF PHYSICIANS, HOSPITAL
22 MEDICAL COMMITTEE, OR PHARMACY AND THERAPEUTICS COMMITTEE.

23 (VII) "STANDING ORDER" MEANS A PRESCRIPTION ORDER WRITTEN
24 BY A PHYSICIAN OR PHYSICIAN ASSISTANT THAT IS NOT SPECIFIC TO AND
25 DOES NOT IDENTIFY A PARTICULAR PATIENT.

26 **SECTION 7.** In Colorado Revised Statutes, 12-42.5-123, **repeal**
27 (3) as follows:

1 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

2 ~~(3) The dispensing or distribution of an opiate antagonist by a pharmacist~~
3 ~~shall not constitute unprofessional conduct if he or she dispensed or~~
4 ~~distributed the opiate antagonist in a good-faith effort to assist:~~

5 ~~(a) A person who is at increased risk of experiencing or likely to~~
6 ~~experience an opiate-related drug overdose event, as defined in section~~
7 ~~18-1-712 (5) (e), C.R.S.; or~~

8 ~~(b) A family member, friend, or other person who is in a position~~
9 ~~to assist a person who is at increased risk of experiencing or likely to~~
10 ~~experience an opiate-related drug overdose event, as defined in section~~
11 ~~18-1-712 (5) (e), C.R.S.~~

12 **SECTION 8.** In Colorado Revised Statutes, 13-21-108.7, **amend**
13 ~~(2) (b) (I) (A), (2) (e), (3), (4) (a) introductory portion, and (4) (a) (I); and~~
14 **repeal** ~~(4) (b) as follows:~~

15 **13-21-108.7. Persons rendering emergency assistance through**
16 **the administration of an opiate antagonist - limited immunity -**
17 **legislative declaration - definitions. (2) Definitions.** As used in this
18 section, unless the context otherwise requires:

19 (b) (I) "Health care provider" means:

20 (A) A licensed ~~or certified~~ physician, ~~nurse practitioner~~
21 ADVANCED PRACTICE NURSE WHO HAS PRESCRIPTIVE AUTHORITY
22 PURSUANT TO SECTION 12-38-111.6, C.R.S., physician assistant, or
23 pharmacist; or

24 (e) "Opiate-related drug overdose event" means an acute
25 condition, including ~~but not limited to~~ a decreased level of consciousness
26 or respiratory depression, ~~resulting~~ THAT:

27 (I) RESULTS from the consumption or use of a controlled

1 substance or another substance with which a controlled substance was
2 combined; ~~and that~~

3 (II) A layperson would reasonably believe to be an opiate-related
4 drug overdose event; ~~that~~ AND

5 (III) Requires medical assistance.

6 (3) **General immunity.** A person, other than a health care
7 provider or a health care facility, who acts in good faith to FURNISH OR
8 administer an opiate antagonist to ~~another person whom~~ AN INDIVIDUAL
9 the person believes to be suffering an opiate-related drug overdose event
10 ~~shall~~ OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE
11 INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED OVERDOSE
12 EVENT IS not ~~be~~ liable for any civil damages for acts or omissions made
13 as a result of ~~such~~ THE act. THIS SUBSECTION (3) ALSO APPLIES TO A FIRST
14 RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
15 ORGANIZATION ACTING IN ACCORDANCE WITH SECTION 12-42.5-120 (3)
16 (d), C.R.S.

17 (4) **Licensed prescribers and dispensers.** (a) ~~A person~~ AN
18 INDIVIDUAL who is LICENSED BY THE STATE UNDER TITLE 12, C.R.S., AND
19 IS permitted by SECTION 12-36-117.7, 12-38-125.5, OR 12-42.5-120 (3),
20 C.R.S., OR BY OTHER APPLICABLE law to prescribe or dispense an opiate
21 antagonist ~~shall~~ IS not ~~be~~ liable for any civil damages resulting from:

22 (I) ~~Such~~ Prescribing or dispensing AN OPIATE ANTAGONIST IN
23 ACCORDANCE WITH THE APPLICABLE LAW; or

24 (b) ~~A prescriber or dispenser who dispenses an opiate antagonist~~
25 ~~is strongly encouraged to educate persons receiving the opiate antagonist~~
26 ~~on the use of an opiate antagonist for overdose, including but not limited~~
27 ~~to instruction concerning risk factors for overdose, recognition of~~

1 ~~overdose, calling emergency medical services, rescue breathing, and~~
2 ~~administration of an opiate antagonist.~~

3 **SECTION 9.** In Colorado Revised Statutes, 18-1-712, **amend** (2),
4 (3) (a) introductory portion, (3) (a) (I), and (5) (e); and **repeal** (3) (b) as
5 follows:

6 **18-1-712. Immunity for a person who administers an opiate**
7 **antagonist during an opiate-related drug overdose event - definitions.**

8 (2) **General immunity.** A person, other than a health care provider or a
9 health care facility, who acts in good faith to FURNISH OR administer an
10 opiate antagonist to ~~another person whom~~ AN INDIVIDUAL the person
11 believes to be suffering an opiate-related drug overdose event ~~shall be~~ OR
12 TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT
13 RISK OF EXPERIENCING AN OPIATE-RELATED OVERDOSE EVENT IS immune
14 from criminal prosecution for ~~such~~ THE act. THIS SUBSECTION (2) ALSO
15 APPLIES TO A FIRST RESPONDER OR AN EMPLOYEE OR VOLUNTEER OF A
16 HARM REDUCTION ORGANIZATION ACTING IN ACCORDANCE WITH SECTION
17 12-42.5-120 (3) (d), C.R.S.

18 (3) (a) **Licensed prescribers and dispensers.** ~~A person~~ AN
19 INDIVIDUAL who is LICENSED BY THE STATE UNDER TITLE 12, C.R.S., AND
20 IS permitted by SECTION 12-36-117.7, 12-38-125.5, OR 12-42.5-120 (3),
21 C.R.S., OR BY OTHER APPLICABLE law to prescribe or dispense an opiate
22 antagonist ~~shall be~~ IS immune from criminal prosecution for:

23 (I) ~~Such~~ Prescribing or dispensing AN OPIATE ANTAGONIST IN
24 ACCORDANCE WITH THE APPLICABLE LAW; or

25 (b) ~~A prescriber or dispenser who dispenses an opiate antagonist~~
26 ~~is strongly encouraged to educate persons receiving the opiate antagonist~~
27 ~~on the use of an opiate antagonist for overdose, including but not limited~~

1 ~~to instruction concerning risk factors for overdose, recognition of~~
2 ~~overdose, calling emergency medical services, rescue breathing, and~~
3 ~~administration of an opiate antagonist.~~

4 (5) **Definitions.** As used in this section, unless the context
5 otherwise requires:

6 (e) "Opiate-related drug overdose event" means an acute
7 condition, including ~~but not limited to~~ a decreased level of consciousness
8 or respiratory depression, ~~resulting~~ THAT:

9 (I) RESULTS from the consumption or use of a controlled
10 substance or another substance with which a controlled substance was
11 combined; ~~and that~~

12 (II) A layperson would reasonably believe to be an opiate-related
13 drug overdose event; ~~that~~ AND

14 (III) Requires medical assistance.

15 **SECTION 10. Applicability.** This act applies to conduct
16 occurring on or after the effective date of this act.

17 **SECTION 11. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.