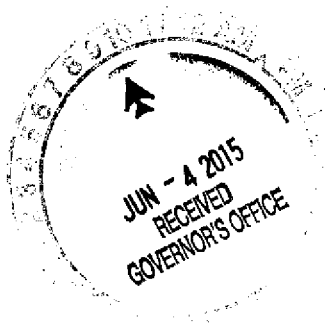


ACT No. 2015 - 364

1 HB208  
2 170319-3  
3 By Representatives Treadaway and Faulkner  
4 RFD: Health  
5 First Read: 10-MAR-15



1  
2 ENROLLED, An Act,

3 Relating to drug overdoses; to authorize a physician  
4 or dentist to prescribe an opioid antagonist to an individual  
5 at risk of experiencing an opiate-related overdose or to an  
6 individual who is in a position to assist another individual  
7 at risk of experiencing an opiate-related overdose; to provide  
8 immunity to a physician or dentist who prescribes an opioid  
9 antagonist and to an individual who administers an opioid  
10 antagonist; to provide immunity from prosecution for  
11 possession or consumption of alcohol for an individual under  
12 the age of 21 or certain controlled substance offenses by any  
13 individual who seeks medical assistance for another individual  
14 under certain circumstances; and to require relevant training  
15 for certain law enforcement officers.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) For the purposes of this section,  
18 "opioid antagonist" means naloxone hydrochloride or other  
19 similarly acting drug that is approved by the federal Food and  
20 Drug Administration for the treatment of an opioid overdose.

21 (b) A physician licensed under Article 3, Chapter  
22 24, Title 34, Code of Alabama 1975, or dentist licensed under  
23 Chapter 9, Title 34, Code of Alabama 1975, acting in good  
24 faith may directly or by standing order prescribe, and a  
25 pharmacist licensed under Chapter 23, Title 34, Code of

1 Alabama 1975, may dispense, an opioid antagonist to either of  
2 the following:

3 (1) An individual at risk of experiencing an  
4 opiate-related overdose.

5 (2) A family member, friend, or other individual,  
6 including law enforcement, in a position to assist an  
7 individual at risk of experiencing an opiate-related overdose.

8 (c) As an indicator of good faith, the physician or  
9 dentist, prior to prescribing an opioid antagonist under this  
10 section, may require receipt of a written communication that  
11 provides a factual basis for a reasonable conclusion as to  
12 either of the following:

13 (1) The individual seeking the opioid antagonist is  
14 at risk of experiencing an opiate-related overdose.

15 (2) The individual other than the individual at risk  
16 of experiencing an opiate-related overdose and who is seeking  
17 the opioid antagonist is in relation to the individual at risk  
18 of experiencing an opiate-related overdose as a family member,  
19 friend, or otherwise in the position to assist the individual.

20 (d) An individual who receives an opioid antagonist  
21 that was prescribed pursuant to subsection (b) may administer  
22 an opioid antagonist to another individual if he or she has a  
23 good faith belief that the other individual is experiencing an  
24 opiate-related overdose and he or she exercises reasonable  
25 care in administering the opioid antagonist. Evidence of

1 exercising reasonable care in administering the opioid  
2 antagonist shall include the receipt of basic instruction and  
3 information on how to administer the opioid antagonist.

4 (e) All of the following individuals are immune from  
5 any civil or criminal liability for actions authorized under  
6 this act:

7 (1) A physician or dentist who prescribes an opioid  
8 antagonist pursuant to subsection (b) and who has no  
9 managerial authority over the individuals administering the  
10 opioid antagonist.

11 (2) A individual who administers an opioid  
12 antagonist pursuant to subsection (d).

13 (3) A pharmacist who dispenses an opioid antagonist  
14 pursuant to subsection (b).

15 Section 2. (a) Notwithstanding any other law to the  
16 contrary, an individual under 21 years of age may not be  
17 prosecuted for the possession or consumption of alcoholic  
18 beverages if law enforcement, including campus safety police,  
19 became aware of the possession or consumption of alcohol  
20 solely because the individual was seeking medical assistance  
21 for another individual under this act.

22 (b) Excluding Section 32-5A-191, Code of Alabama  
23 1975, an individual may not be prosecuted for a misdemeanor  
24 controlled substance offense if law enforcement became aware

1 of the offense solely because the individual was seeking  
2 medical assistance for another individual under this act.

3 (c) This section shall apply if, when seeking  
4 medical assistance on behalf of another, the individual did  
5 all of the following:

6 (1) Acted in good faith, upon a reasonable belief  
7 that he or she was the first to call for assistance.

8 (2) Used his or her own name when contacting  
9 authorities.

10 (3) Remained with the individual needing medical  
11 assistance until help arrived.

12 Section 3. On or before January 1, 2016, the Alabama  
13 Department of Public Health shall approve a specific training  
14 curriculum for completion by law enforcement officers who  
15 elect to carry and administer opioid antagonists.

16 Section 4. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.

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*[Handwritten Signature]*

Speaker of the House of Representatives

*[Handwritten Signature]*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 14-MAY-15, as amended.

Jeff Woodard  
Clerk

Senate	<u>03-JUN-15</u>	Amended and Passed
House	<u>03-JUN-15</u>	Concurred in Senate Amendment

**APPROVED** 6.5.2015  
**TIME** 4:30 pm  
*[Handwritten Signature]*  
**GOVERNOR**

Alabama Secretary Of State  
 Act Num....: 2015-364  
 Bill Num....: H-208

Recv'd 06/08/15 09:55amSLF

NSOR

cadaway

SPONSORS

walkner

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 208

YEAS 86 NAYS 3

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

FURTHER SENATE ACTION (OVER)

DATE: 5-19 2015

RD 1 RFD body

This Bill was referred to the Standing Committee of the Senate on JURY

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 0 w/sub 0 by a vote of years 8 nays 0 abstain 0

This 27 day of May 2015  
Oliver Boyd, Chairperson

DATE: 5-28 2015

RF FAV RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_

RE-REFERRED  RE-COMMITTED   
Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 208.

YEAS 23 NAYS 1  
And

PATRICK HARRIS,  
Secretary