

AMENDED IN SENATE MAY 15, 2007

AMENDED IN SENATE APRIL 12, 2007

SENATE BILL

No. 767

Introduced by Senator Ridley-Thomas

February 23, 2007

An act to add ~~Section 1714.22 to~~ and repeal Section 1714.22 of the Civil Code, relating to drug overdose treatment.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as amended, Ridley-Thomas. Drug overdose treatment: liability.

Existing law authorizes a physician and surgeon to prescribe, dispense, or administer prescription drugs, including prescription controlled substances, to an addict under his or her treatment, as specified. Existing law prohibits, except in the regular practice of his or her profession, any person from knowingly prescribing, administering, dispensing, or furnishing a controlled substance to or for any person who is not under his or her treatment for a pathology or condition other than an addiction to a controlled substance, except as specified.

This bill would provide, *until January 1, 2011*, that ~~any person who, in good faith, believes that another person is experiencing a drug overdose and who acts with reasonable care and not for compensation, may administer an opioid antagonist, as defined, that is obtained through a licensed health care provider, as specified, to the person experiencing a drug overdose without being subject to civil liability for damages or criminal penalties as a result of that act.~~ The bill would also permit a licensed health care provider, who is already permitted pursuant to existing law to prescribe ~~a~~ *an* opioid antagonist, *as defined*, and who acts with reasonable care to prescribe; *and subsequently* dispense; or

distribute an opioid antagonist in conjunction with an opioid overdose prevention and treatment training program, as defined, without being subject to civil liability or criminal prosecution.

The bill would require a local health jurisdiction that operates or registers an opioid overdose prevention and treatment training program to collect prescribed data and report it to the State Department of Public Health, and the department will be required to compile those reports for submission to the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares that
2 because drug overdose deaths are preventable, it is therefore an
3 appropriate role for the state to do all of the following:

4 (a) Seek to prevent the onset of drug use through preventive
5 measures.

6 (b) Provide cessation treatment for those addicted to drugs.

7 (c) Prosecute those who sell controlled substances.

8 (d) Seek to prevent needless death and damage caused by drug
9 overdose by implementing appropriate crisis interventions when
10 these interventions are needed.

11 (e) Enact legislation to authorize any county in the state to
12 establish standards for approval of any opioid overdose prevention
13 program, which may include, but not be limited to, standards for
14 program directors, appropriate clinical oversight, training,
15 recordkeeping, and reporting.

16 (f) Enact legislation to authorize any county that establishes an
17 opioid overdose data that reviews overdose death rates and other
18 information to ascertain changes in the cause and rates of fatal
19 opioid overdoses. It is the intent of the Legislature that the report
20 include the following information:

21 (1) Information on opioid overdose deaths, including age,
22 gender, ethnicity, and geographic location.

23 (2) Data on emergency room utilization for the treatment of
24 opioid overdose.

25 (3) Data on utilization of prehospital services.

26 (4) Suggestions improvements in data collection.

27 SEC. 2. Section 1714.22 is added to the Civil Code, to read:

1 1714.22. ~~(a) Notwithstanding any other provision of law, any~~
2 ~~person who, in good faith, believes that another person is~~
3 ~~experiencing a drug overdose and who acts with reasonable care~~
4 ~~and not for compensation may administer an opioid antagonist,~~
5 ~~obtained through a licensed health care provider who is working~~
6 ~~in conjunction with an opioid prevention and treatment training~~
7 ~~program, as defined in subdivision (d), to the person experiencing~~
8 ~~a drug overdose without being subject to civil liability for damages~~
9 ~~or criminal penalties as a result of this act.~~

10 ~~(b) A licensed health care provider who is permitted by law to~~
11 ~~prescribe an opioid antagonist, if acting with reasonable care, may~~
12 ~~prescribe, dispense, or distribute an opioid antagonist, in~~
13 ~~conjunction with an opioid overdose prevention and treatment~~
14 ~~training program, without being subject to civil liability or criminal~~
15 ~~prosecution.~~

16 ~~(c) For purposes of this section, an opioid antagonist means~~
17 ~~naloxone hydrochloride or any other similarly acting and equally~~
18 ~~safe drug approved by the federal Food and Drug Administration~~
19 ~~for the treatment of a drug overdose.~~

20 ~~(d) For purposes of this section, an opioid overdose prevention~~
21 ~~and treatment training program means any program that trains~~
22 ~~individuals to provide first aid or emergency treatment when~~
23 ~~witnessing an opiate overdose, and that includes, at a minimum,~~
24 ~~training that teaches a person all of the following:~~

- 25 ~~(1) The causes of an opiate overdose.~~
- 26 ~~(2) Mouth-to-mouth resuscitation.~~
- 27 ~~(3) How to contact appropriate emergency medical services.~~
- 28 ~~(4) How to administer an opioid antagonist.~~

29 *1714.22. (a) For purposes of this section:*

30 *(1) "Opioid antagonist" means naloxone hydrochloride that is*
31 *approved by the federal Food and Drug Administration for the*
32 *treatment of a drug overdose.*

33 *(2) "Opioid overdose prevention and treatment training*
34 *program" or "program" means any program operated by a local*
35 *health jurisdiction or that is registered by a local health*
36 *jurisdiction to train individuals to prevent, recognize, and respond*
37 *to an opiate overdose, and that provides, at a minimum, training*
38 *in all of the following:*

- 39 *(A) The causes of an opiate overdose.*
- 40 *(B) Mouth to mouth resuscitation.*

1 (C) How to contact appropriate emergency medical services.

2 (D) How to administer an opioid antagonist.

3 (b) A licensed health care provider who is permitted by law to
4 prescribe an opioid antagonist may, if acting with reasonable care,
5 prescribe and subsequently dispense or distribute an opioid
6 antagonist in conjunction with an opioid overdose prevention and
7 treatment training program, without being subject to civil liability
8 or criminal prosecution. This immunity shall apply to the licensed
9 health care provider even when the opioid antagonist is
10 administered by and to someone other than the person to whom it
11 is prescribed.

12 (c) Each local health jurisdiction that operates or registers an
13 opioid overdose prevention and treatment training program shall,
14 by September 1, 2009, collect, and report to the State Department
15 of Public Health, all of the following data on programs within the
16 jurisdiction:

17 (1) Number of training programs operating in the local health
18 jurisdiction.

19 (2) Number of individuals who have received a prescription
20 and training to administer naloxone hydrochloride.

21 (3) Number of naloxone hydrochloride doses prescribed.

22 (4) Number of naloxone hydrochloride doses administered.

23 (5) Number of individuals who received naloxone hydrochloride
24 injections who were properly revived.

25 (6) Number of individuals who received naloxone hydrochloride
26 injections who were not revived.

27 (7) Number of adverse events associated with a naloxone
28 hydrochloride dose that was distributed as part of an opioid
29 overdose prevention and treatment training program, including a
30 description of the adverse events.

31 (d) On or before January 1, 2010, the State Department of
32 Public Health shall compile the reports received by the local health
33 jurisdictions pursuant to this section and forward the full report
34 on opioid overdose prevention and treatment training programs
35 to the Legislature.

36 (e) This section shall remain in effect only until January 1, 2011,
37 and as of that date is repealed, unless a later enacted statute, that

1 *is enacted on or before January 1, 2011, deletes or extends that*
2 *date.*

O