

**ASSEMBLY BILL**

**No. 635**

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**Introduced by Assembly Member Ammiano**

February 20, 2013

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An act to amend Section 1714.22 of the Civil Code, relating to drug overdose treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 635, as introduced, Ammiano. 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.

Existing law authorizes, until January 1, 2016, and only in specified counties, a licensed health care provider, who is already permitted pursuant to existing law to prescribe an opioid antagonist, as defined, and who is acting 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. Existing law requires 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 Senate and Assembly Committees on Judiciary by January 1, 2015.

Existing law authorizes, until January 1, 2016, and only in specified counties, a person who is not licensed to administer an opioid antagonist to do so in an emergency without fee if the person has received specified training information and believes in good faith that the other person is experiencing a drug overdose. Existing law prohibits that person, as a result of his or her acts or omissions, from being liable for any violation of any professional licensing statute, or subject to any criminal prosecution arising from or related to the unauthorized practice of medicine or the possession of an opioid antagonist.

This bill would revise and recast these provisions to instead authorize a licensed health care provider who is permitted by law to prescribe an opioid antagonist and is acting with reasonable care to prescribe and subsequently dispense or distribute an opioid antagonist for the treatment of an opioid overdose to a person at risk of an opioid-related overdose or a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. The bill would authorize these licensed health care providers to issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist the person at risk. The bill would authorize these licensed health care providers to issue standing orders for the administration of an opioid antagonist by a family member, friend, or other person in a position to assist a person experiencing or suspected of experiencing an opioid overdose. The bill would provide that a person who acts with reasonable care and issues a prescription for, or an order for the administration of, an opioid antagonist to a person experiencing or suspected of experiencing an opioid overdose is not subject to professional review, liable in a civil action, or subject to criminal prosecution for issuing the prescription or order. The bill would also delete the repeal date and reporting requirements and expand the applicability of these provisions statewide.

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

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

- 1 SECTION 1. Section 1714.22 of the Civil Code is amended
- 2 to read:
- 3 1714.22. (a) For purposes of this ~~section~~:

1 (1) ~~Opioid section~~, “*opioid antagonist*” means naloxone  
2 hydrochloride that is approved by the federal Food and Drug  
3 Administration for the treatment of ~~a drug~~ *an opioid* overdose.

4 (2) ~~“Opioid overdose prevention and treatment training~~  
5 ~~program” or “program” means any program operated by a local~~  
6 ~~health jurisdiction or that is registered by a local health jurisdiction~~  
7 ~~to train individuals to prevent, recognize, and respond to an opiate~~  
8 ~~overdose, and that provides, at a minimum, training in all of the~~  
9 ~~following:~~

10 (A) ~~The causes of an opiate overdose.~~

11 (B) ~~Mouth-to-mouth resuscitation.~~

12 (C) ~~How to contact appropriate emergency medical services.~~

13 (D) ~~How to administer an opioid antagonist.~~

14 (b) A licensed health care provider who is ~~permitted~~ *authorized*  
15 by law to prescribe an opioid antagonist may, if acting with  
16 reasonable care, prescribe and subsequently dispense or distribute  
17 an opioid antagonist ~~in conjunction with an opioid overdose~~  
18 ~~prevention and treatment training program, without being subject~~  
19 ~~to civil liability or criminal prosecution. This immunity shall apply~~  
20 ~~to the licensed health care provider even when the opioid antagonist~~  
21 ~~is administered by and to someone other than the person to whom~~  
22 ~~it is prescribed to a person at risk of an opioid-related overdose~~  
23 ~~or a family member, friend, or other person in a position to assist~~  
24 ~~a person at risk of an opioid-related overdose.~~

25 (c) (1) A licensed health care provider who is *authorized* by  
26 law to prescribe an opioid antagonist may issue standing orders  
27 for the distribution of an opioid antagonist to a person at risk of  
28 an opioid-related overdose or to a family member, friend, or other  
29 person in a position to assist a person at risk of an opioid-related  
30 overdose.

31 (2) A licensed health care provider who is *authorized* by law to  
32 prescribe an opioid antagonist may issue standing orders for the  
33 administration of an opioid antagonist to a person at risk of an  
34 opioid-related overdose by a family member, friend, or other  
35 person in a position to assist a person experiencing or reasonably  
36 suspected of experiencing an opioid overdose.

37 (d) A licensed health care provider who acts with reasonable  
38 care shall not be subject to professional review, be found liable  
39 in a civil action, or be subject to criminal prosecution for issuing  
40 a prescription or order pursuant to subdivision (b) or (c).

1 ~~(e) A person who is not otherwise licensed to administer an~~  
2 ~~opioid antagonist may administer an opioid antagonist in an~~  
3 ~~emergency without fee if the person has received the training~~  
4 ~~information specified in paragraph (2) of subdivision (a) and~~  
5 ~~believes in good faith that the other person is experiencing a drug~~  
6 ~~overdose. The person shall not, as a result of his or her acts or~~  
7 ~~omissions, be liable for any violation of any professional licensing~~  
8 ~~statute, or subject to any criminal prosecution arising from or~~  
9 ~~related to the unauthorized practice of medicine or the possession~~  
10 ~~of an opioid antagonist.~~

11 ~~(d) Each local health jurisdiction that operates or registers an~~  
12 ~~opioid overdose prevention and treatment training program shall,~~  
13 ~~by January 1, 2015, collect, and report to the Senate and Assembly~~  
14 ~~Committees on Judiciary, all of the following data on programs~~  
15 ~~within the jurisdiction:~~

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

18 ~~(2) Number of individuals who have received a prescription for,~~  
19 ~~and training to administer, an opioid antagonist.~~

20 ~~(3) Number of opioid antagonist doses prescribed.~~

21 ~~(4) Number of opioid antagonist doses administered.~~

22 ~~(5) Number of individuals who received opioid antagonist~~  
23 ~~injections who were properly revived.~~

24 ~~(6) Number of individuals who received opioid antagonist~~  
25 ~~injections who were not revived.~~

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

30 ~~(e) This section shall apply only to the Counties of Alameda,~~  
31 ~~Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, and~~  
32 ~~Santa Cruz.~~

33 ~~(f) This section shall remain in effect only until January 1, 2016,~~  
34 ~~and as of that date is repealed, unless a later enacted statute, that~~  
35 ~~is enacted before January 1, 2016, deletes or extends that date.~~

36 ~~(e) Notwithstanding any other law, a person who possesses or~~  
37 ~~distributes an opioid antagonist pursuant to a prescription or~~  
38 ~~standing order shall not be subject to professional review, be found~~  
39 ~~liable in a civil action, or be subject to criminal prosecution for~~  
40 ~~this possession or distribution. Notwithstanding any other law, a~~

1 *person who acts with reasonable care and administers an opioid*  
2 *antagonist to a person who is experiencing or is suspected of*  
3 *experiencing an overdose shall not be subject to professional*  
4 *review, be liable in a civil action, or be subject to criminal*  
5 *prosecution for this administration.*

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