



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1164

PRINTERS NO. 2189

PRIME SPONSOR: Pileggi

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	\$0

SUMMARY:

Senate Bill 1164 amends the Controlled Substance, Drug, Device and Cosmetic Act concerning immunity for reporting a drug overdose. It would take effect in 60 days.

ANALYSIS:

This legislation amends the Controlled Substance, Drug, Device and Cosmetic Act by adding a new section concerning immunity for reporting a drug overdose. It establishes immunity from prosecution for a probation or parole violation or from prosecution for certain lower-level drug violations enumerated in the bill. The immunity will be available if law enforcement officers only became aware of the offense because the person transported someone experiencing a drug overdose to a law enforcement agency, a campus security office, or a health care facility. The immunity is also available if the person reported, in good faith, a drug overdose to a law enforcement officer, the 911 system, a campus security officer, or emergency services personnel, based on a reasonable belief that another person was in need of immediate medical attention to prevent death or serious bodily injury due to a drug overdose. The person seeking the assistance must provide his or her own name and location, cooperate with the law enforcement, the 911 system, campus security, or emergency services personnel, and remain with the person needing assistance until such personnel arrive. This immunity also applies to the overdose victim if the person helping the victim qualifies for the immunity. Civil immunity is also provided to a law enforcement officer or prosecutor who, in good faith, charges someone who is then determined to be entitled to immunity.

Senate Bill 1164 also adds a new section concerning drug overdose medication. It permits a law enforcement agency or fire department to enter into agreements with emergency medical services agencies to obtain a supply of naloxone, an opioid agonist, and, after receiving training, administer the drug to an individual who has overdosed on an opioid.

The bill also provides civil, criminal and professional immunity to a health care professional who prescribes or administers the drug, or a police officer or firefighter who administers it if they act in good faith believing a person is suffering an overdose. Completion of required training will create a rebuttable presumption that the person acted with reasonable care in

administering the drug. The Department of Health, in consultation with the Department of Drug and Alcohol Programs, must develop or approve training and instructional materials regarding recognizing overdoses, administering naloxone, and seeking medical attention, and provide these materials free of charge on the Internet.

This legislation also expands access to naloxone through direct distribution, prescription or standing order from a health care professional to a person at risk of overdosing, a family member, friend or other person in a position to assist a person at risk. It amends the Pharmacy Act to permit such persons to store naloxone and extends civil, criminal and professional immunity to them for administering naloxone in good faith and with reasonable care.

FISCAL IMPACT:

Enactment of this legislation will have no adverse impact on Commonwealth funds. Any additional costs to the Departments of Health and Drug and Alcohol Programs to develop or approve materials can be handled within current budgets.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 25, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.