CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - DRUG OVERDOSE MEDICATION

Act of Nov. 3, 2022, P.L. 1984, No. 135 Cl. 35

Session of 2022
No. 2022-135

HB 2527

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for drug overdose medication.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 13.8 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended to read:

Section 13.8. Drug Overdose Medication.--(a) The department, in carrying out its duties under 28 Pa. Code Ch. 1023 (relating to personnel), shall have the following duties:

(1) [By December 31, 2014, amend] **Amend** the prehospital practitioner scope of practice of emergency medical services providers to include the administration of [naloxone] **an opioid antagonist.**

(2) In consultation with the Pennsylvania Emergency Health Services Council, implement training, treatment protocols, equipment lists and other policies and procedures for all types of emergency medical services providers.

(3) In consultation with the Department of Drug and Alcohol Programs, develop or approve training and instructional materials about recognizing opioid-related overdoses, administering [naloxone] **an opioid antagonist** and promptly seeking medical attention. The training and instruction materials shall be provided free of charge on the Internet.

(b) A law enforcement agency, fire department or fire company may enter into written agreements with emergency medical services agencies, with the consent of that agency's medical director or a physician, to do the following:

(1) Obtain a supply of [naloxone] **an opioid antagonist.**

(2) Authorize a law enforcement officer or firefighter who has completed training under subsection (a)(2), or who has received the training and instructional materials under subsection (a)(3), to administer [naloxone] **an opioid antagonist** to an individual undergoing or believed to be undergoing an opioid-related drug overdose.

(c) Notwithstanding any other law to the contrary, a health care professional otherwise authorized to prescribe [naloxone] **an opioid antagonist** may dispense, prescribe or distribute [naloxone] **the opioid antagonist** directly or by a standing order to an authorized law enforcement officer or firefighter in

accordance with an agreement under subsection (b) or to a person at risk of experiencing an opioid-related overdose or family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(d) The provisions of the act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act," shall not apply to a law enforcement officer or firefighter who stores [naloxone] **an opioid antagonist** pursuant to an agreement under subsection (b), and in accordance with directions from the health care professional that prescribed, dispensed or distributed the [naloxone] **opioid antagonist**, or to a person or organization acting at the direction of a health care professional authorized to prescribe [naloxone] **an opioid antagonist** so long as such activities are undertaken without charge or compensation.

(e) (1) A licensed health care professional who, acting in good faith, prescribes or dispenses [naloxone] **an opioid antagonist** shall not be subject to any criminal or civil liability or any professional disciplinary action for:

(i) such prescribing or dispensing; or

(ii) any outcomes resulting from the eventual administration of [naloxone] **the opioid antagonist.**

(2) The immunity under paragraph (1) shall not apply to a health professional who acts with intent to harm or with reckless indifference to a substantial risk of harm.

(f) (1) A person, law enforcement agency, fire department or fire company under subsection (b)(2) or (c) who, acting in good faith and with reasonable care, administers [naloxone] **an opioid antagonist** to another person whom the person believes to be suffering an opioid-related drug overdose:

(i) Shall be immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.

(ii) Shall not be subject to professional review for such act.

(iii) Shall not be liable for any civil damages for acts or omissions resulting from such act.

(2) Receipt of training and instructional materials that meet the criteria of subsection (a) and the prompt seeking of additional medical assistance shall create a rebuttable presumption that the person acted with reasonable care in administering [naloxone] **an opioid antagonist.**

(g) Nothing in this section shall be interpreted to limit any existing immunities for emergency response providers and others provided for under 42 Pa.C.S. § 8332 (relating to emergency response provider and bystander good Samaritan civil immunity).

(h) As used in this section, the term "opioid antagonist" means a drug or device approved by the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) for emergency reversal of known or suspected opioid overdose, including naloxone hydrochloride or other similarly acting drugs approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

Section 2. This act shall take effect in 60 days.

APPROVED--The 3rd day of November, A.D. 2022.

TOM WOLF