

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2527 Session of 2022

INTRODUCED BY QUINN, GUENST, POLINCHOCK, HILL-EVANS, CIRESI, STRUZZI, N. NELSON, SAPPEY, ROWE AND GILLEN, APRIL 20, 2022

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2022

AN ACT

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

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

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

17 Section 13.8. Drug Overdose Medication.--(a) The
18 department, in carrying out its duties under 28 Pa. Code Ch.
19 1023 (relating to personnel), shall have the following duties:

20 (1) [By December 31, 2014, amend] AMEND the prehospital <--
21 practitioner scope of practice of emergency medical services
22 providers to include the administration of [naloxone] an opioid

1 antagonist.

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

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

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

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

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

23 (c) Notwithstanding any other law to the contrary, a health
24 care professional otherwise authorized to prescribe [naloxone]
25 an opioid antagonist may dispense, prescribe or distribute
26 [naloxone] the opioid antagonist directly or by a standing order
27 to an authorized law enforcement officer or firefighter in
28 accordance with an agreement under subsection (b) or to a person
29 at risk of experiencing an opioid-related overdose or family
30 member, friend or other person in a position to assist a person

1 at risk of experiencing an opioid-related overdose.

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

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

17 (i) such prescribing or dispensing; or

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

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

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

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

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

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

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

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

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

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