HB 170 Naloxone Distribution

Project DAWN programs and others interested in naloxone distribution in Ohio:

The following provides information regarding Ohio House Bill 170 which was signed into law by Governor Kasich on March 11, 2014. Also, attached is an analysis of the bill from the Ohio Legislative Services Commission. As additional information becomes available I will share it with you. Please let me know if you have any questions.

Implications for Project DAWN sites:

◦ Naloxone can now be prescribed to a friend, family member or other individual who is in a position to provide assistance to an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

◦ The prescription must be issued by a physician or other health care professional who is authorized to prescribe drugs. Under this law, a physician (including a podiatrist) or an advanced practice registered nurse or physician assistant who is authorized to prescribe drugs may prescribe or personally furnish naloxone for administration to an individual at risk or overdosing on opioids. In other words, the naloxone prescription no longer has to be only for the person who is believed to be at risk of an overdose.

◦ The health care professional must instruct the individual to whom the drug is prescribed or furnished to summon emergency services immediately before or immediately after administering the naloxone. This means the training provided by Project DAWN must include instructions to call 911 as part of the response to an overdose in addition to administering the naloxone.

Granting of immunity – Overview:

◦ Grants a health care professional who in good faith furnishes or issues a prescription for naloxone immunity from criminal or civil liability or professional disciplinary action for the actions or omissions of the individual to whom the drug is furnished or prescription is issued.

◦ Grants immunity from criminal liability to a family member, friend, or other individual (except for certain licensed emergency responders) who administers naloxone obtained pursuant to the bill, if the individual summons emergency services.

◦ Grants immunity from administrative action and criminal prosecution to a peace officer acting in good faith who administers naloxone if it is obtained from the law enforcement agency that employs the officer and that agency is licensed as a terminal distributor of dangerous drugs.

Granting of Immunity – Details:

◦ Prescribers
The bill grants to a physician, advanced practice registered nurse, or physician assistant who furnishes or issues a prescription for naloxone in good faith in accordance with the bill immunity from criminal or civil liability or professional disciplinary actions for any action or omission of the individual to whom the drug is furnished or prescription is issued.

**Peace officers**

The bill grants immunity from administrative action and criminal prosecution for the unauthorized practice of medicine and certain drug offenses to a peace officer who does all of the following:

1. Acts in good faith;
2. Obtains naloxone from a law enforcement agency licensed as a terminal distributor of dangerous drugs that employs the peace officer;
3. Administers naloxone to an individual who is apparently experiencing an opioid-related overdose.

**Other individuals**

The bill grants immunity from criminal prosecution for the unauthorized practice of medicine and certain drug offenses to a family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose if all of the following apply:

1. The individual acts in good faith;
2. The individual obtains naloxone or a prescription for naloxone from a licensed health professional;
3. The individual summons emergency services either immediately before or after administering the naloxone to the individual who is apparently experiencing an opioid-related overdose.

**First Responders and Emergency Medical Technicians-Basic:**

First responders and emergency medical technicians-basic are authorized to administer naloxone under medical directive or after consulting with a physician. The bill authorizes first responders and emergency medical technicians–basic (EMTs-basic) to administer naloxone to individuals suspected of opioid overdose. First responders and EMTs-basic are authorized to administer naloxone only intranasally and by an auto injector in manufactured dosage form. In addition, a first responder or EMT-basic may administer naloxone only under (1) the written or verbal authorization of a physician or the cooperating physician advisory board of the emergency medical service organization or (2) an authorization transmitted through a direct communication device by a physician, a physician assistant designated by a physician, or a registered nurse designated by a physician. These authorization requirements, however, do not apply if communications fail.

The bill’s criminal immunity applies to first responders, but not to emergency medical technicians. See Ohio Revised Code (ORC) 2925.61 (C).