

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 406

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AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-18-2-263.9, AS ADDED BY P.L.156-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 263.9. "Overdose intervention drug", for purposes of IC 16-31 **and IC 16-42-27**, means naloxone or any other drug that:

- (1) is an opioid, opiate, or morphine antagonist; and
- (2) prevents or reverses the effects of:
  - (A) opioids;
  - (B) opiates; or
  - (C) morphine;

including respiratory depression, sedation, and hypotension.

SECTION 2. IC 16-18-2-291.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 291.5. "Prescriber"**, for purposes of IC 16-42-27, has the meaning set forth in IC 16-42-27-1.

SECTION 3. IC 16-18-2-338.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 338.3. "Standing order"**, for purposes of IC 16-31 **and IC 16-42-27**, means:

- (1) a written order; or

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**(2) an order transmitted by other means of communication; that is prepared by a person authorized to write a prescription for the distribution and administration of an overdose intervention drug, including any actions and interventions to be used in order to ensure timely access to treatment.**

SECTION 4. IC 16-31-3-23.5, AS ADDED BY P.L.156-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23.5. (a) The following may administer an overdose intervention drug to an individual who is suffering from an overdose:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.
- (4) A firefighter or volunteer firefighter.
- (5) A law enforcement officer.
- (6) A paramedic.

(b) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, **standing order**, or protocol for an overdose intervention drug for any of the following:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.
- (4) A fire department or volunteer fire department.
- (5) A law enforcement agency.
- (6) A paramedic.

(c) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, **standing order**, or protocol for an overdose intervention drug issued in the name of any of the following:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.
- (4) A fire department or volunteer fire department.
- (5) A law enforcement agency.
- (6) A paramedic.

SECTION 5. IC 16-31-3-23.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.7. An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:**

- (1) administers an overdose intervention drug; or**



(2) is summoned immediately after administering the overdose intervention drug;  
**shall report the number of times an overdose intervention drug is dispensed to the state department under the state trauma registry in compliance with rules adopted by the state department.**

SECTION 6. IC 16-31-6-2.5, AS ADDED BY P.L.156-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Except for an act of gross negligence or willful misconduct, an advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter or volunteer firefighter, a law enforcement officer, or a paramedic who administers an overdose intervention drug according to standards established by:

- (1) the department or agency that oversees the individual's employment in providing emergency medical services; or
- (2) the commission under IC 16-31-2-9;

to an individual suffering from an overdose is immune from civil liability for acts or omissions when administering the drug.

(b) If:

- (1) an advanced emergency medical technician;
- (2) an emergency medical responder;
- (3) an emergency medical technician;
- (4) a firefighter or volunteer firefighter;
- (5) a law enforcement officer; or
- (6) a paramedic;

is immune from civil liability for the individual's act or omission **when administering an overdose intervention drug**, a person who has only an agency relationship with the advanced emergency medical technician, emergency medical responder, emergency medical technician, firefighter or volunteer firefighter, law enforcement officer, or paramedic is also immune from civil liability for the act or omission.

SECTION 7. IC 16-42-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 27. Drugs: Overdose Intervention Drugs**

**Sec. 1. As used in this chapter, "prescriber" means any of the following:**

- (1) A physician licensed under IC 25-22.5.
- (2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory physician and in accordance with IC 25-27.5-5-4.
- (3) An advanced practice nurse licensed and granted the



authority to prescribe drugs under IC 25-23.

**Sec. 2. (a)** A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without examining the individual to whom it may be administered if all of the following conditions are met:

**(1)** The overdose intervention drug is dispensed or prescribed to:

**(A)** a person at risk of experiencing an opioid-related overdose; or

**(B)** a family member, a friend, or any other individual or entity in a position to assist an individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose.

**(2)** The prescriber instructs the individual receiving the overdose intervention drug or prescription to summon emergency services either immediately before or immediately after administering the overdose intervention drug to an individual experiencing an opioid-related overdose.

**(3)** The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

**(4)** The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

**(b)** A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

**(c)** An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.

**(d)** An individual described in subsection (a)(1) may not be considered to be practicing medicine without a license in violation of IC 25-22.5-8-2, if the individual, acting in good faith, does the following:

**(1)** Obtains the overdose intervention drug from a prescriber.

**(2)** Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.

**(3)** Attempts to summon emergency services either



immediately before or immediately after administering the overdose intervention drug.

(e) An entity acting under a standing order issued by a prescriber must do the following:

(1) Annually register with either the:

(A) state department; or

(B) local health department in the county where services will be provided by the entity;

in a manner prescribed by the state department.

(2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

Sec. 3. (a) Except for an act of gross negligence or willful misconduct, a prescriber who dispenses or prescribes an overdose intervention drug in compliance with this chapter is immune from civil liability arising from those actions.

(b) Except for an act of gross negligence or willful misconduct, a pharmacist who dispenses an overdose intervention drug in compliance with this chapter is immune from civil liability arising from those actions.

(c) Except for an act of gross negligence or willful misconduct, an individual or entity described in section 2(a)(1) of this chapter is immune from civil liability for the following actions:

(1) Obtaining an overdose intervention drug under this chapter.

(2) Administering an overdose intervention drug in good faith.

(3) Acting under a standing order under this chapter.

SECTION 8. IC 34-30-2-84.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 84.1. IC 16-42-27-3 (Concerning physicians, pharmacists, and other individuals or entities and the prescribing, dispensing, or administering of an overdose intervention drug).

SECTION 9. An emergency is declared for this act.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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