



February 6, 2015

SENATE BILL No. 406

DIGEST OF SB 406 (Updated February 4, 2015 11:26 am - DI 104)

Citations Affected: IC 16-18; IC 16-31; IC 16-42; IC 34-30.

Synopsis: Prescription for an overdose intervention drug. Allows specified health care professionals with prescriptive authority to dispense or write a prescription for an overdose intervention drug without examining the individual to whom it may be administered if specified conditions are met. Allows for an individual who is a person at risk, a family member, friend, or other individual in a position to assist another individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose, to obtain and administer an overdose intervention drug if certain conditions are met. Requires a pharmacy that fills a prescription for an overdose intervention drug to report certain information to the INSPECT program. Provides for civil and criminal immunity.

Effective: July 1, 2015.

**Merritt, Ford, Crider, Leising,
Breau, Mrvan, Charbonneau, Becker**

January 12, 2015, read first time and referred to Committee on Health & Provider Services.
February 5, 2015, amended, reported favorably — Do Pass.

SB 406—LS 7335/DI 104



February 6, 2015

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 BILL No. 406

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

- 1 SECTION 1. IC 16-18-2-263.9, AS ADDED BY P.L.156-2014,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 263.9. "Overdose intervention drug", for purposes
4 of IC 16-31 **and IC 16-42-26**, means naloxone or any other drug that:
5 (1) is an opioid, opiate, or morphine antagonist; and
6 (2) prevents or reverses the effects of:
7 (A) opioids;
8 (B) opiates; or
9 (C) morphine;
10 including respiratory depression, sedation, and hypotension.
11 SECTION 2. IC 16-18-2-291.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2015]: **Sec. 291.5. "Prescriber", for purposes**
14 **of IC 16-42-26, has the meaning set forth in IC 16-42-26-1.**
15 SECTION 3. IC 16-31-3-23.5, AS ADDED BY P.L.156-2014,
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 406—LS 7335/DI 104



1 JULY 1, 2015]: Sec. 23.5. (a) The following may administer an
 2 overdose intervention drug to an individual who is suffering from an
 3 overdose:

- 4 (1) An advanced emergency medical technician.
 5 (2) An emergency medical responder.
 6 (3) An emergency medical technician.
 7 (4) A firefighter or volunteer firefighter.
 8 (5) A law enforcement officer.
 9 (6) A paramedic.
 10 **(7) An individual described in IC 16-42-26-2(a)(1) who is a**
 11 **family member, friend, or other individual in a position to**
 12 **assist an individual who, there is reason to believe, is at risk**
 13 **of experiencing an opioid-related overdose, if the individual**
 14 **described in IC 16-42-26-2(a)(1) complies with the**
 15 **requirements of IC 16-42-26.**

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

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

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

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

35 **(7) An individual described in IC 16-42-26-2(a)(1).**

36 SECTION 4. IC 16-42-26 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]:

39 **Chapter 26. Drugs: Overdose Intervention Drugs**

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

- 42 **(1) A physician licensed under IC 25-22.5.**



- 1 **(2) A physician assistant licensed under IC 25-27.5 and**
- 2 **granted the authority to prescribe by the physician assistant's**
- 3 **supervisory physician and in accordance with IC 25-27.5-5-4.**
- 4 **(3) An advanced practice nurse licensed and granted the**
- 5 **authority to prescribe drugs under IC 25-23.**

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

- 9 **(1) The overdose intervention drug is dispensed or prescribed**
 10 **to:**
 - 11 **(A) a person at risk of experiencing an opioid-related**
 12 **overdose; or**
 - 13 **(B) a family member, friend, or other individual in a**
 14 **position to assist an individual who, there is reason to**
 15 **believe, is at risk of experiencing an opioid-related**
 16 **overdose.**

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

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

- 26 **(1) Obtains the overdose intervention drug from a prescriber.**
- 27 **(2) Administers the overdose intervention drug to an**
 28 **individual who is experiencing an apparent opioid-related**
 29 **overdose.**
- 30 **(3) Attempts to summon emergency services either**
 31 **immediately before or immediately after administering the**
 32 **overdose intervention drug.**

- 33 **(c) A pharmacy licensed under IC 25-26 may dispense a valid**
 34 **prescription for an overdose intervention drug to an individual**
 35 **described in subsection (a)(1). The pharmacy shall report the**
 36 **dispensing of the overdose intervention drug and the information**
 37 **required under IC 35-48-7-8.1 to the INSPECT program.**

- 38 **Sec. 3. (a) A prescriber who dispenses or prescribes an overdose**
 39 **intervention drug in compliance with this chapter is immune from**
 40 **both criminal and civil liability arising from those actions.**

- 41 **(b) A pharmacist who dispenses an overdose intervention drug**
 42 **in compliance with this chapter is immune from both criminal and**



1 **civil liability arising from those actions.**
2 **(c) An individual described in section 2(a)(1) of this chapter**
3 **who:**
4 **(1) obtains an overdose intervention drug under this chapter;**
5 **and**
6 **(2) administers an overdose intervention drug in good faith;**
7 **is immune from both criminal and civil liability arising from those**
8 **actions.**
9 SECTION 5. IC 34-30-2-84.1 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: **Sec. 84.1. IC 16-42-26-3 (Concerning**
12 **physicians, pharmacists, and other individuals and the prescribing,**
13 **dispensing, or administering of an overdose intervention drug).**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 406, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 10, after "to" insert ":

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

(B)".

Page 3, delete lines 18 through 22.

Page 3, line 36, after "." insert "**The pharmacy shall report the dispensing of the overdose intervention drug and the information required under IC 35-48-7-8.1 to the INSPECT program.**".

Page 3, line 40, after "(b)" insert "**A pharmacist who dispenses an overdose intervention drug in compliance with this chapter is immune from both criminal and civil liability arising from those actions.**

(c)".

Page 4, line 8, after "physicians" insert ", **pharmacists,**".

Page 4, line 8, after "prescribing" insert ", **dispensing,**".

and when so amended that said bill do pass.

(Reference is to SB 406 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

