



Ohio Legislative Service Commission

Bill Analysis

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H.B. 170

130th General Assembly
(As Introduced)

Reps. Johnson and Stinziano, Amstutz, Antonio, Gonzales, Grossman, Letson, Lynch, Maag, Milkovich, Phillips, Reece, Rogers, Sprague, Stebelton, Ramos

BILL SUMMARY

- Grants immunity from criminal prosecution and administrative action to certain licensed health professionals who are authorized to prescribe drugs and who prescribe, administer, dispense, or personally furnish naloxone to a person who is apparently experiencing or likely to experience an opioid-related overdose.
- Grants immunity from criminal prosecution and administrative action to the same licensed health professionals who prescribe, administer, dispense, or personally furnish naloxone to a family member, friend, or other person in a position to assist someone who is apparently experiencing or likely to experience such an overdose.
- Grants immunity from criminal prosecution, action by professional licensing boards, and administrative action to a family member, friend, or other person (except for certain licensed emergency responders and peace officers) who administers naloxone obtained pursuant to the bill to a person who is apparently experiencing such an overdose.
- Grants immunity from criminal prosecution or administrative action to an emergency medical technician (EMT) or peace officer who administers to such a person naloxone obtained pursuant to the bill.
- Authorizes an EMT-basic and EMT-intermediate to administer naloxone to such a person, but requires that an EMT-basic administer naloxone only if authorized by certain licensed health professionals or the cooperating physician advisory board.

CONTENT AND OPERATION

Naloxone – background

Naloxone hydrochloride, commonly known by the trade name Narcan, is a drug that reverses the effects of opioids (such as oxycodone, hydrocodone, and heroin) on the brain. When an individual overdoses on opioids, the brain's trigger to breathe is effectively turned off and breathing stops. Naloxone displaces opioid molecules in the brain, causing the individual to return to normal respiration. In the United States, naloxone requires a prescription.

Naloxone has been approved by the federal Food and Drug Administration (FDA) for use by injection to reverse opioid overdose and for adjunct use in the treatment of septic shock.¹ The bill applies only to naloxone administered by inhalation.² Using a nasal spray is a common "off label" use of naloxone; for example, the naloxone distribution pilot program in Scioto County uses a nasal spray.³

Immunity

Licensed health professionals

The bill grants immunity from criminal prosecution and administrative action to licensed health professionals who act with reasonable care and prescribe, administer, dispense, or personally furnish naloxone to either of the following:

- (1) An individual who is apparently experiencing or who is likely to experience an opioid-related overdose;
- (2) A family member, friend, or other person in a position to assist such a person.⁴

The bill defines "licensed health professional" as a physician (including a podiatrist) and a physician assistant, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe drugs. The bill does not

¹ FDA, "Role of Naloxone in Opioid Overdose Fatality Prevention," available at <<http://www.fda.gov/downloads/Drugs/NewsEvents/UCM318909.pdf>>.

² R.C. 2305.331(A)(1), 2925.61(A)(1), 4765.27(B)(2), and 4765.38(B)(5).

³ Ohio Department of Health, "Project D.A.W.N. (Deaths Avoided With Naloxone) Overdose Reversal Project," available at <<http://www.odh.ohio.gov/sitecore/content/HealthyOhio/default/vipp/data/~~/media/B2D270008F0047739D60B10F0151FCE8.ashx>>.

⁴ R.C. 2305.331.



provide standards for determining whether an individual is likely to experience an overdose.

Emergency responders and peace officers

The bill grants immunity from criminal prosecution for the unauthorized practice of medicine⁵ or for drug offenses⁶ and from administrative action to a licensed emergency responder who does all of the following:

(1) Acts in good faith;

(2) Obtains naloxone from the licensed emergency responder's emergency medical service organization (which must be licensed as a terminal distributor of dangerous drugs);⁷

(3) Administers naloxone to an individual who is apparently experiencing an opioid-related overdose.⁸

A "licensed emergency responder" is an emergency medical technician (EMT), including an EMT-basic, EMT-intermediate, or EMT-paramedic.

Similarly, the bill grants the same immunity to a peace officer who does all of the following:

(1) Acts in good faith;

(2) Obtains naloxone from the peace officer's law enforcement agency (which must be licensed as a limited category II terminal distributor of dangerous drugs);

(3) Administers naloxone to such a person.

Other persons

The bill grants immunity from (1) criminal prosecution for the unauthorized practice of medicine or for drug offenses, (2) actions by professional licensing boards, and (3) administrative action to a family member, friend, or other person who is in a

⁵ R.C. 4731.34, not in the bill.

⁶ R.C. Chapter 2925.

⁷ A terminal distributor of dangerous drugs is an entity that is engaged in the sale of dangerous drugs at retail or that has possession, custody, or control of dangerous drugs for any purpose other than personal use and consumption. R.C. 4729.01(Q).

⁸ R.C. 2925.611.

position to assist an individual who is apparently experiencing or is likely to experience an opioid overdose if all of the following apply:

- (1) The person acts in good faith;
- (2) The person obtains naloxone from a licensed health professional (as defined by the bill) or a prescription for naloxone from a licensed health professional;
- (3) The person administers the naloxone to a person who is apparently experiencing an opioid-related overdose.⁹

This immunity does not apply to a licensed emergency responder or peace officer who is subject to the bill's immunity provisions regarding those professionals (see "**Emergency responders and peace officers**" above). An emergency responder or peace officer who is not subject to those provisions, however, could fall under this more general immunity provision.

EMTs authorized to administer naloxone

The bill authorizes an EMT-basic and an EMT-intermediate to administer naloxone to a person who is apparently experiencing an opioid-related overdose.¹⁰ As with the bill's other provisions, the administration must be by inhalation.

With respect to an EMT-basic, the bill requires that the naloxone be administered only after (1) written or verbal authorization from a physician or the emergency medical organization's cooperating physician advisory board or (2) authorization transmitted through a direct communication device by a physician, physician assistant designated by a physician, or registered nurse designated by a physician. However, the bill's grant of immunity to an EMT-basic is not conditioned upon compliance with the bill's requirement that the EMT-basic obtain authorization.

With respect to an EMT-intermediate or EMT-paramedic, current rules adopted by the State Board of Emergency Medical Services authorize the administration of naloxone if appropriate training has been completed. The rules do not specify that the administration must be by inhalation.¹¹

⁹ R.C. 2925.61(B).

¹⁰ R.C. 4765.37 and 4765.38 (conforming changes in 4765.11).

¹¹ Ohio Administrative Code 4765-16-04 and 4765-17-03.



HISTORY

ACTION

DATE

Introduced

05-21-13

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