Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2104
(Senator Anderson)
(Representative Rick C. Becker)

AN ACT to create and enact a new section to chapter 23-01 and a new subsection to section 43-15-10 of the North Dakota Century Code, relating to immunity from liability related to opioid antagonists and limited prescriptive authority for Naloxone rescue kits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

Opioid antagonist prescription, distribution, possession, or use - Immunity from liability.

1. As used in this section:

   a. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.

   b. "Opioid antagonist" means a drug:

      (1) That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the state department of health for the treatment of a drug overdose; and

      (2) That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense an opioid antagonist, if the health care professional provides training to:

   a. An individual at risk of experiencing an opioid-related overdose; or

   b. A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.

3. An individual acting in good faith may receive or possess an opioid antagonist if that individual is:

   a. An individual at risk of experiencing an opioid-related overdose; or

   b. A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.

4. An individual acting in good faith may self-administer an opioid antagonist or administer an opioid antagonist to another individual who the administering individual suspects is at risk of experiencing an opioid overdose.

5. An individual may receive, possess, or administer an opioid antagonist under subsection 3 or 4, regardless of whether the individual is the individual for or to whom the opioid antagonist is prescribed, distributed, or dispensed.

6. An individual who prescribes, distributes, dispenses, receives, possesses, or administers an opioid antagonist as authorized under this section is immune from civil and criminal liability for such action. A health care professional who prescribes, distributes, or dispenses an opioid antagonist as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional. Immunity from liability or discipline under this subsection does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct.

SECTION 2. A new subsection to section 43-15-10 of the North Dakota Century Code is created and enacted as follows:

To establish limited prescriptive authority for individuals to distribute opioid antagonist kits, also known as "Naloxone rescue kits." If the board establishes limited prescriptive authority under this subsection, the board shall adopt rules to establish standards that may include training, certification, and continuing education requirements.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2104.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 91	Nays 0	Absent 3

Secretary of the Senate

Received by the Governor at 4:40 P.M. on April 6, 2015.

Approved at 10:43 A.M. on April 8, 2015.

Governor

Filed in this office this 8th day of April, 2015,

at 3:36 o'clock p M.

Secretary of State