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ENGROSSED SUBSTITUTE HOUSE BILL 1671

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State of Washington

64th Legislature

2015 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Walkinshaw, Griffey, Cody, Smith, Peterson, Magendanz, Riccelli, Stanford, Appleton, Robinson, Tharinger, and Jinkins)

READ FIRST TIME 02/17/15.

1 AN ACT Relating to increasing access to opioid antagonists to  
2 prevent opioid-related overdose deaths; amending RCW 69.41.040 and  
3 69.50.315; adding a new section to chapter 69.41 RCW; creating a new  
4 section; and repealing RCW 18.130.345.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature intends to reduce the  
7 number of lives lost to drug overdoses by encouraging the  
8 prescription, dispensing, and administration of opioid overdose  
9 medications.

10 (2) Overdoses of opioids, such as heroin and prescription  
11 painkillers, cause brain injury and death by slowing and eventually  
12 stopping a person's breathing. Since 2012, drug poisoning deaths in  
13 the United States have risen six percent, and deaths involving heroin  
14 have increased a staggering thirty-nine percent. In Washington state,  
15 the annual number of deaths involving heroin or prescription opiates  
16 increased from two hundred fifty-eight in 1995 to six hundred fifty-  
17 one in 2013. Over this period, a total of nine thousand four hundred  
18 thirty-nine people died from opioid-related drug overdoses. Opioid-  
19 related drug overdoses are a statewide phenomenon.

20 (3) When administered to a person experiencing an opioid-related  
21 drug overdose, an opioid overdose medication can save the person's

1 life by restoring respiration. Increased access to opioid overdose  
2 medications reduced the time between when a victim is discovered and  
3 when he or she receives lifesaving assistance. Between 1996 and 2010,  
4 lay people across the country reversed over ten thousand overdoses.

5 (4) The legislature intends to increase access to opioid overdose  
6 medications by permitting health care practitioners to administer,  
7 prescribe, and dispense, directly or by collaborative drug therapy  
8 agreement or standing order, opioid overdose medication to any person  
9 who may be present at an overdose - law enforcement, emergency  
10 medical technicians, family members, or service providers - and to  
11 permit those individuals to possess and administer opioid overdose  
12 medications prescribed by an authorized health care provider.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.41  
14 RCW to read as follows:

15 (1)(a) A practitioner may prescribe, dispense, distribute, and  
16 deliver an opioid overdose medication: (i) Directly to a person at  
17 risk of experiencing an opioid-related overdose; or (ii) by  
18 collaborative drug therapy agreement, standing order, or protocol to  
19 a first responder, family member, or other person or entity in a  
20 position to assist a person at risk of experiencing an opioid-related  
21 overdose. Any such prescription or protocol order is issued for a  
22 legitimate medical purpose in the usual course of professional  
23 practice.

24 (b) At the time of prescribing, dispensing, distributing, or  
25 delivering the opioid overdose medication, the practitioner shall  
26 inform the recipient that as soon as possible after administration of  
27 the opioid overdose medication, the person at risk of experiencing an  
28 opioid-related overdose should be transported to a hospital or a  
29 first responder should be summoned.

30 (2) A pharmacist may dispense an opioid overdose medication  
31 pursuant to a prescription issued in accordance with this section and  
32 may administer an opioid overdose medication to a person at risk of  
33 experiencing an opioid-related overdose. At the time of dispensing an  
34 opioid overdose medication, a pharmacist shall provide written  
35 instructions on the proper response to an opioid-related overdose.  
36 The instructions must be affixed to the container in which the  
37 medication is dispensed and must inform the recipient to call 911 and  
38 seek medical attention immediately.

1 (3) Any person or entity may lawfully possess, store, deliver,  
2 distribute, or administer an opioid overdose medication pursuant to a  
3 prescription or order issued by a practitioner in accordance with  
4 this section.

5 (4) The following individuals, if acting in good faith and with  
6 reasonable care, are not subject to criminal or civil liability or  
7 disciplinary action under chapter 18.130 RCW for any actions  
8 authorized by this section or the outcomes of any actions authorized  
9 by this section:

10 (a) A practitioner who prescribes, dispenses, distributes, or  
11 delivers an opioid overdose medication pursuant to subsection (1) of  
12 this section;

13 (b) A pharmacist who dispenses an opioid overdose medication  
14 pursuant to subsection (2) of this section;

15 (c) A person who possesses, stores, distributes, or administers  
16 an opioid overdose medication pursuant to subsection (3) of this  
17 section.

18 (5) For purposes of this section, the following terms have the  
19 following meanings unless the context clearly requires otherwise:

20 (a) "First responder" means: (i) A career or volunteer  
21 firefighter, law enforcement officer, paramedic as defined in RCW  
22 18.71.200, or first responder or emergency medical technician as  
23 defined in RCW 18.73.030; and (ii) an entity that employs or  
24 supervises an individual listed in (a)(i) of this subsection,  
25 including a volunteer fire department.

26 (b) "Opioid overdose medication" means any drug used to reverse  
27 an opioid overdose that binds to opioid receptors and blocks or  
28 inhibits the effects of opioids acting on those receptors. It does  
29 not include intentional administration via the intravenous route.

30 (c) "Opioid-related overdose" means a condition including, but  
31 not limited to, extreme physical illness, decreased level of  
32 consciousness, respiratory depression, coma, or death that: (i)  
33 Results from the consumption or use of an opioid or another substance  
34 with which an opioid was combined; or (ii) a lay person would  
35 reasonably believe to be an opioid-related overdose requiring medical  
36 assistance.

37 (d) "Practitioner" means a health care practitioner who is  
38 authorized under RCW 69.41.030 to prescribe legend drugs.

39 (e) "Standing order" or "protocol" means written or  
40 electronically recorded instructions, prepared by a prescriber, for

1 distribution and administration of a drug by designated and trained  
2 staff or volunteers of an organization or entity, as well as other  
3 actions and interventions to be used upon the occurrence of clearly  
4 defined clinical events in order to improve patients' timely access  
5 to treatment.

6 **Sec. 3.** RCW 69.41.040 and 2003 c 53 s 324 are each amended to  
7 read as follows:

8 (1) A prescription, in order to be effective in legalizing the  
9 possession of legend drugs, must be issued for a legitimate medical  
10 purpose by one authorized to prescribe the use of such legend drugs.  
11 Except as provided in section 2 of this act, an order purporting to  
12 be a prescription issued to a drug abuser or habitual user of legend  
13 drugs, not in the course of professional treatment, is not a  
14 prescription within the meaning and intent of this section; and the  
15 person who knows or should know that he or she is filling such an  
16 order, as well as the person issuing it, may be charged with  
17 violation of this chapter. A legitimate medical purpose shall include  
18 use in the course of a bona fide research program in conjunction with  
19 a hospital or university.

20 (2) A violation of this section is a class B felony punishable  
21 according to chapter 9A.20 RCW.

22 **Sec. 4.** RCW 69.50.315 and 2010 c 9 s 2 are each amended to read  
23 as follows:

24 (1)((+a)) A person acting in good faith who seeks medical  
25 assistance for someone experiencing a drug-related overdose shall not  
26 be charged or prosecuted for possession of a controlled substance  
27 pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the  
28 evidence for the charge of possession of a controlled substance was  
29 obtained as a result of the person seeking medical assistance.

30 ~~((b) A person acting in good faith may receive a naloxone~~  
31 ~~prescription, possess naloxone, and administer naloxone to an~~  
32 ~~individual suffering from an apparent opiate-related overdose.))~~

33 (2) A person who experiences a drug-related overdose and is in  
34 need of medical assistance shall not be charged or prosecuted for  
35 possession of a controlled substance pursuant to RCW 69.50.4013, or  
36 penalized under RCW 69.50.4014, if the evidence for the charge of  
37 possession of a controlled substance was obtained as a result of the  
38 overdose and the need for medical assistance.

1           (3) The protection in this section from prosecution for  
2 possession crimes under RCW 69.50.4013 shall not be grounds for  
3 suppression of evidence in other criminal charges.

4           NEW SECTION.   **Sec. 5.**   RCW 18.130.345 (Naloxone—Administering,  
5 dispensing, prescribing, purchasing, acquisition, possession, or use—  
6 Opiate-related overdose) and 2010 c 9 s 3 are each repealed.

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