
HOUSE BILL 1671

State of Washington

64th Legislature

2015 Regular Session

By Representatives Walkinshaw, Griffey, Cody, Smith, Peterson, Magendanz, Riccelli, Stanford, Appleton, Robinson, Tharinger, and Jinkins

Read first time 01/26/15. Referred to Committee on Health Care & Wellness.

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.** The legislature intends to reduce the
7 number of lives lost to drug overdoses by encouraging the
8 prescription, dispensing, and administration of opioid antagonists.

9 (1) Overdoses of opioids, such as heroin and prescription
10 painkillers, cause brain injury and death by slowing and eventually
11 stopping a person's breathing. Since 2012, drug poisoning deaths in
12 the United States have risen six percent, and deaths involving heroin
13 have increased a staggering thirty-nine percent. In Washington state,
14 the average annual number of deaths involving heroin or prescription
15 opiates nearly doubled from 2000-2002 to 2009-2011. Opioid-related
16 drug overdoses are a statewide phenomenon.

17 (2) When administered to a person experiencing an opioid-related
18 drug overdose, an opioid antagonist can save the person's life by
19 restoring respiration. Increased access to opioid antagonists reduced
20 the time between when a victim is discovered and when he or she

1 receives lifesaving assistance. Between 1996 and 2010, lay people
2 across the country reversed over ten thousand overdoses.

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

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

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

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

27 (2) A pharmacist may dispense an opioid antagonist pursuant to a
28 prescription issued in accordance with this section and may
29 administer an opioid antagonist to a person at risk of experiencing
30 an opioid-related overdose.

31 (3) Any person or entity may lawfully possess, store, deliver,
32 distribute, or administer an opioid antagonist pursuant to a
33 prescription or order issued by a practitioner in accordance with
34 this section.

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

1 (a) A practitioner who prescribes, dispenses, distributes, or
2 delivers an opioid antagonist pursuant to subsection (1) of this
3 section;

4 (b) A pharmacist who dispenses an opioid antagonist pursuant to
5 subsection (2) of this section;

6 (c) A person who possesses, stores, distributes, or administers
7 an opioid antagonist pursuant to subsection (3) of this section.

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

10 (a) "First responder" means: (i) A career or volunteer
11 firefighter, law enforcement officer, paramedic as defined in RCW
12 18.71.200, or first responder or emergency medical technician as
13 defined in RCW 18.73.030; and (ii) an entity that employs or
14 supervises an individual listed in (a)(i) of this subsection,
15 including a volunteer fire department.

16 (b) "Opioid antagonist" means any drug that binds to opioid
17 receptors and blocks or inhibits the effects of opioids acting on
18 those receptors. It does not include any drug that is administered
19 intravenously.

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

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

29 (e) "Standing order" or "protocol" means written or
30 electronically recorded instructions, prepared by a prescriber, for
31 distribution and administration of a drug, as well as other actions
32 and interventions to be used upon the occurrence of clearly defined
33 clinical events in order to improve patients' timely access to
34 treatment.

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

37 (1) A prescription, in order to be effective in legalizing the
38 possession of legend drugs, must be issued for a legitimate medical
39 purpose by one authorized to prescribe the use of such legend drugs.

1 Except as provided in section 2 of this act, an order purporting to
2 be a prescription issued to a drug abuser or habitual user of legend
3 drugs, not in the course of professional treatment, is not a
4 prescription within the meaning and intent of this section; and the
5 person who knows or should know that he or she is filling such an
6 order, as well as the person issuing it, may be charged with
7 violation of this chapter. A legitimate medical purpose shall include
8 use in the course of a bona fide research program in conjunction with
9 a hospital or university.

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

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

14 (1)~~((a))~~ A person acting in good faith who seeks medical
15 assistance for someone experiencing a drug-related overdose shall not
16 be charged or prosecuted ~~((for possession of a controlled substance~~
17 ~~pursuant to))~~ under RCW 69.50.4013, ~~((or penalized under RCW))~~
18 69.50.201, or 69.50.4014, if the evidence for the charge ~~((of~~
19 ~~possession of a controlled substance))~~ was obtained as a result of
20 the person seeking medical assistance.

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

24 (2) A person who experiences a drug-related overdose and is in
25 need of medical assistance shall not be charged or prosecuted ~~((for~~
26 ~~possession of a controlled substance pursuant to))~~ under RCW
27 69.50.4013, ~~((or penalized under RCW))~~ 69.50.201, or 69.50.4014, if
28 the evidence for the charge ~~((of possession of a controlled~~
29 ~~substance))~~ was obtained as a result of the overdose and the need for
30 medical assistance.

31 (3) The protection in this section from charging and prosecution
32 for possession crimes under RCW 69.50.4013, 69.50.201, or 69.50.4014
33 shall not be grounds for suppression of evidence in other criminal
34 charges.

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

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