

SENATE FILE NO. SF0042

Opiate overdose emergency treatment.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; creating the  
 2 Emergency Administration of Opiate Antagonist Act;  
 3 providing for prescription and administration of an opiate  
 4 antagonist drug as specified; granting immunity from  
 5 criminal or civil liability for specified conduct;  
 6 providing rulemaking authority; and providing for an  
 7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 33-24-158 and 35-4-901 through  
 12 35-4-906 are created to read:

13

14 **33-24-158. Prescription of opiate antagonist by**  
 15 **pharmacist.**

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1 naloxone hydrochloride approved by the United States food  
2 and drug administration for the treatment of an opiate  
3 related drug overdose;

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5 (ii) "Opiate related drug overdose" means a  
6 condition, including extreme physical illness, a decreased  
7 level of consciousness or respiratory depression resulting  
8 from the consumption or use of an opioid, or another  
9 substance with which an opioid was combined, that a  
10 reasonable person would believe to require medical  
11 assistance;

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13 (iii) "Pharmacist" means any person licensed  
14 under Wyoming statutes as a pharmacist and who is  
15 practicing within the scope of their license;

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17 (iv) "Practitioner" means any person licensed  
18 under Wyoming statutes as a physician, physician assistant  
19 or advanced practice registered nurse and who is practicing  
20 within the scope of their license;

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22 (v) "Standing order" means an order transmitted  
23 electronically or in writing by a practitioner for a drug

1 or device for a patient or multiple patients with whom no  
2 prescriber-patient relationship exists.

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4 **35-4-903. Prescription of opiate antagonist.**

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6 (a) A practitioner or a pharmacist acting in good  
7 faith and exercising reasonable care may, without a  
8 prescriber-patient relationship, prescribe an opiate  
9 antagonist to:

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11 (i) A person at risk of experiencing an opiate  
12 related drug overdose;

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14 (ii) A person in a position to assist a person  
15 at risk of experiencing an opiate related drug overdose;

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17 (iii) A person who, in the course of the  
18 person's official duties or business, may encounter a  
19 person experiencing an opiate related drug overdose.

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21 (b) A practitioner or pharmacist who prescribes an  
22 opiate antagonist under this article shall provide  
23 education to the person to whom the opiate antagonist is

1 prescribed, which shall include written instruction on how  
2 to:

3

4 (i) Recognize an opiate related drug overdose;

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6 (ii) Respond appropriately to an opiate related  
7 drug overdose event, including how to administer an opiate  
8 antagonist;

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10 (iii) Ensure that a person to whom an opiate  
11 antagonist has been administered receives, as soon as  
12 possible, additional medical care and a medical evaluation.

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14 **35-4-904. Standing order for opiate antagonist; drug**  
15 **overdose treatment policy; rules.**

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17 (a) A practitioner acting in good faith and  
18 exercising reasonable care may prescribe by a standing  
19 order an opiate antagonist to an entity that, in the course  
20 of the entity's official duties or business, may be in a  
21 position to assist a person experiencing an opiate related  
22 drug overdose.

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1           (b) An entity prescribed an opiate antagonist by  
2 standing order shall establish a drug overdose treatment  
3 policy in accordance with rules adopted by the department  
4 of health. The drug overdose treatment policy shall:

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6           (i) Provide for the designation of individuals  
7 to receive training and instructional materials on how to  
8 recognize and respond to an opiate related drug overdose  
9 and ensure that a person to whom an opiate antagonist has  
10 been administered receives additional medical care and a  
11 medical evaluation;

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13           (ii) Provide for reporting to the department of  
14 health, in the manner and form prescribed by the  
15 department, all opiate related drug overdoses for which an  
16 opiate antagonist is administered.

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18           (c) The Wyoming state board of medicine and the  
19 Wyoming state board of nursing may adopt rules as necessary  
20 to implement and administer prescription of an opiate  
21 antagonist by a standing order.

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23           **35-4-905. Voluntary participation.**

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2 This article does not establish a duty or standard of care  
3 for a person to prescribe or administer an opiate  
4 antagonist.

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6 **35-4-906. Administration of an opiate antagonist;**  
7 **immunity from liability; exemption from unprofessional**  
8 **conduct; relation to other law.**

9

10 (a) A person acting in good faith may administer an  
11 opiate antagonist to another person who appears to be  
12 experiencing an opiate related drug overdose. As soon as  
13 possible, the administering person shall contact emergency  
14 medical services.

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16 (b) A person who administers an opiate antagonist  
17 pursuant to this article is personally immune from civil or  
18 criminal liability for any act or omission resulting in  
19 damage or injury.

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21 (c) A practitioner or pharmacist who prescribes an  
22 opiate antagonist pursuant to this article is personally

1 immune from civil or criminal liability for any act or  
2 omission resulting in damage or injury.

3

4 (d) An entity that establishes a drug overdose  
5 treatment policy pursuant to this article is immune from  
6 civil or criminal liability for any act or omission related  
7 to the administration of an opiate antagonist resulting in  
8 damage or injury.

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10 (e) Prescribing an opiate antagonist by a  
11 practitioner or pharmacist pursuant to this article shall  
12 not constitute unprofessional conduct.

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14 (f) Should any grant of immunity, exception or  
15 imposition of liability within the Wyoming Governmental  
16 Claims Act conflict with any provision of this article,  
17 this article shall prevail.

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19 **Section 2.** This act is effective July 1, 2017.

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(END)