

Utah Code § 26-55-101 Title

This chapter is known as the "Emergency Administration of Opiate Antagonist Act."

Utah Code § 26-55-102 Definitions

As used in this chapter:

- (1) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides home- and community-based services, a hospice or home health care agency, or another facility that provides or contracts to provide health care services, which facility is licensed under Chapter 21, Health Care Facility Licensing and Inspection Act.
- (2) "Health care provider" means:
 - (a) a physician as defined in Section 58-67-102;
 - (b) an advanced practice registered nurse as defined in Subsection 58-31b-102 (13); or
 - (c) a physician assistant as defined in Section 58-70a-102.
- (3) "Opiate" is as defined in Section 58-37-2.
- (4) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- (5) "Opiate-related drug overdose event" means an acute condition, including a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to require medical assistance.

Utah Code § 26-55-103 Voluntary participation

This chapter does not create a duty or standard of care for a person to prescribe or administer an opiate antagonist.

Utah Code § 26-55-104 Authority to obtain and use an emergency opiate antagonist -- Immunity from liability

- (1) (a) Except as provided in Subsection (1)(b), a person other than a health care facility or health care provider who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event is not liable for any civil damages or acts or omissions made as a result of administering the opiate antagonist.

(b) A health care provider:

(i) does not have immunity from liability under Subsection (1)(a) when the health care provider is acting within the scope of the health care provider's responsibilities or duty of care; and

(ii) does have immunity from liability under Subsection (1)(a) if the health care provider is under no legal duty to respond and otherwise complies with Subsection (1)(a).

(2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care provider who is licensed to prescribe or dispense an opiate antagonist may, without a prescriber-patient relationship, prescribe or dispense an opiate antagonist without liability for any civil damages or acts or omissions made as a result of prescribing or dispensing an opiate antagonist in good faith, to:

(a) an individual who is at increased risk of experiencing or who is likely to experience an opiate-related drug overdose event; or

(b) a family member of, friend of, or other person who may be in a position to assist an individual who may be at increased risk of experiencing or who is likely to experience an opiate-related drug overdose event.

(3) A person who prescribes or dispenses an opiate antagonist shall provide education to the individual described in Subsection (2)(a) or (b) that includes instructions to take the person who received the opiate antagonist to an emergency care facility for a medical evaluation.

Utah Code § 58-17b-507 Opiate antagonist -- Immunity from liability

(1) A person licensed under this chapter who dispenses an opiate antagonist as defined in Section 26-55-102 to an individual with a prescription for an opiate antagonist is not liable for any civil damages resulting from the outcomes that result from the eventual administration of the opiate antagonist to a person who another person believes is suffering an opiate-related drug overdose as defined in Section 26-55-102.

(2) The provisions of this section do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

(3) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to a person on behalf of another person if the person obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed prescriber.

Utah Code § 58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct

(1) Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, applies to a licensee under this chapter.

(2) The prescribing or dispensing of an opiate antagonist as defined in Section 26-55-102 by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist in a good faith effort to assist:

(a) a person who is at increased risk of experiencing or who is likely to experience an opiate-related drug overdose event as defined in Section 26-55-102; or

(b) a family member of, friend of, or other person who is in a position to assist a person who may be at increased

risk of experiencing or who is likely to experience an opiate-related drug overdose event.

(3) The provisions of this section and Title 26, Chapter 55, Emergency Administration of Opiate Antagonist Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

NOTES:

<http://le.utah.gov/Documents/bills.htm>