

**ESHB 1671 - S AMD 458**

By Senators Becker, Parlette

**ADOPTED 4/21/2015**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

17 (3) When administered to a person experiencing an opioid-related  
18 drug overdose, an opioid overdose medication can save the person's  
19 life by restoring respiration. Increased access to opioid overdose  
20 medications reduced the time between when a victim is discovered and  
21 when he or she receives lifesaving assistance. Between 1996 and 2010,  
22 lay people across the country reversed over ten thousand overdoses.

23 (4) The legislature intends to increase access to opioid overdose  
24 medications by permitting health care practitioners to administer,  
25 prescribe, and dispense, directly or by collaborative drug therapy  
26 agreement or standing order, opioid overdose medication to any person  
27 who may be present at an overdose - law enforcement, emergency  
28 medical technicians, family members, or service providers - and to  
29 permit those individuals to possess and administer opioid overdose  
30 medications prescribed by an authorized health care provider.

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

1 (1)(a) A practitioner may prescribe, dispense, distribute, and  
2 deliver an opioid overdose medication: (i) Directly to a person at  
3 risk of experiencing an opioid-related overdose; or (ii) by  
4 collaborative drug therapy agreement, standing order, or protocol to  
5 a first responder, family member, or other person or entity in a  
6 position to assist a person at risk of experiencing an opioid-related  
7 overdose. Any such prescription or protocol order is issued for a  
8 legitimate medical purpose in the usual course of professional  
9 practice.

10 (b) At the time of prescribing, dispensing, distributing, or  
11 delivering the opioid overdose medication, the practitioner shall  
12 inform the recipient that as soon as possible after administration of  
13 the opioid overdose medication, the person at risk of experiencing an  
14 opioid-related overdose should be transported to a hospital or a  
15 first responder should be summoned.

16 (2) A pharmacist may dispense an opioid overdose medication  
17 pursuant to a prescription issued in accordance with this section and  
18 may administer an opioid overdose medication to a person at risk of  
19 experiencing an opioid-related overdose. At the time of dispensing an  
20 opioid overdose medication, a pharmacist shall provide written  
21 instructions on the proper response to an opioid-related overdose,  
22 including instructions for seeking immediate medical attention. The  
23 instructions to seek immediate medication attention must be  
24 conspicuously displayed.

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

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

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

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

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

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

6 (a) "First responder" means: (i) A career or volunteer  
7 firefighter, law enforcement officer, paramedic as defined in RCW  
8 18.71.200, or first responder or emergency medical technician as  
9 defined in RCW 18.73.030; and (ii) an entity that employs or  
10 supervises an individual listed in (a)(i) of this subsection,  
11 including a volunteer fire department.

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

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

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

25 (e) "Standing order" or "protocol" means written or  
26 electronically recorded instructions, prepared by a prescriber, for  
27 distribution and administration of a drug by designated and trained  
28 staff or volunteers of an organization or entity, as well as other  
29 actions and interventions to be used upon the occurrence of clearly  
30 defined clinical events in order to improve patients' timely access  
31 to treatment.

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

34 (1) A prescription, in order to be effective in legalizing the  
35 possession of legend drugs, must be issued for a legitimate medical  
36 purpose by one authorized to prescribe the use of such legend drugs.  
37 Except as provided in section 2 of this act, an order purporting to  
38 be a prescription issued to a drug abuser or habitual user of legend  
39 drugs, not in the course of professional treatment, is not a

1 prescription within the meaning and intent of this section; and the  
2 person who knows or should know that he or she is filling such an  
3 order, as well as the person issuing it, may be charged with  
4 violation of this chapter. A legitimate medical purpose shall include  
5 use in the course of a bona fide research program in conjunction with  
6 a hospital or university.

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

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

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

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

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

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

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

**ESHB 1671 - S AMD 458**

By Senators Becker, Parlette

**ADOPTED 4/21/2015**

32 On page 1, line 2 of the title, after "deaths;" strike the  
33 remainder of the title and insert "amending RCW 69.41.040 and

1 69.50.315; adding a new section to chapter 69.41 RCW; creating a new  
2 section; and repealing RCW 18.130.345."

--- END ---