SENATE BILL NO. 2104
with House Amendments
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Sixty-fourth
Legislative Assembly
of North Dakota

Introduced by

Senator Anderson

Representative Rick C. Becker

1   A BILL for an Act to create and enact a new section to chapter 23-01 and a new subsection to

2   section 43-15-10 of the North Dakota Century Code, relating to immunity from liability related to

3   opioid antagonists and limited prescriptive authority for Naloxone rescue kits.

4   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5   **SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created

6   and enacted as follows:

7   **Opioid antagonist prescription, distribution, possession, or use - Immunity from**

8   **liability.**

9   1.   As used in this section:

10   a.   "Health care professional" means a licensed or certified health care professional

11   who is working within the scope of practice for that profession. The term may

12   include a physician, physician assistant, advanced practice registered nurse, and

13   pharmacist acting in the professional's scope of practice.

14   b.   "Opioid antagonist" means a drug:

15   (1)   That is approved by the United States food and drug administration for the

16   treatment of a drug overdose and is recognized by the state department of

17   health for the treatment of a drug overdose; and

18   (2)   That when administered negates or neutralizes, in whole or in part, the

19   pharmacological effects of an opioid in the body.

20   2.   A health care professional acting in good faith may directly or by standing order

21   prescribe, distribute, or dispense an opioid antagonist, if the health care professional

22   provides training to:

23   a.   An individual at risk of experiencing an opioid-related overdose; or

1   b.   A family member, friend, or other individual in a position to assist an individual at

2   risk of experiencing an opioid-related overdose.

3   3.   An individual acting in good faith may receive or possess an opioid antagonist if that

4   individual is:

5   a.   An individual at risk of experiencing an opioid-related overdose; or

6   b.   A family member, friend, or other individual in a position to assist an individual at

7   risk of experiencing an opioid-related overdose.

8   4.   An individual acting in good faith may self-administer an opioid antagonist or

9   administer an opioid antagonist to another individual who the administering individual

10   suspects is at risk of experiencing an opioid overdose.

11   5.   An individual may receive, possess, or administer an opioid antagonist under

12   subsection 3 or 4, regardless of whether the individual is the individual for or to whom

13   the opioid antagonist is prescribed, distributed, or dispensed.

14   6.   An individual who prescribes, distributes, dispenses, receives, possesses, or

15   administers an opioid antagonist as authorized under this section is immune from civil

16   and criminal liability for such action. A health care professional who prescribes,

17   distributes, or dispenses an opioid antagonist as authorized under this section is not

18   subject to professional discipline for such action. This section does not expand the

19   scope of practice of a health care professional. Immunity from liability or discipline

20   under this subsection does not apply if the individual's actions constitute recklessness,

21   gross negligence, or intentional misconduct.

22   **SECTION 2.** A new subsection to section 43-15-10 of the North Dakota Century Code is

23   created and enacted as follows:

24   To establish limited prescriptive authority for individuals to distribute opioid antagonist

25   kits, also known as "Naloxone rescue kits." If the board establishes limited prescriptive

26   authority under this subsection, the board shall adopt rules to establish standards that

27   may include training, certification, and continuing education requirements.