**South Carolina General Assembly**

121st Session, 2015-2016

**A54, R85, H3083**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Huggins, Kennedy, Clary, Corley, Weeks, Whipper and Gilliard

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Introduced in the House on January 13, 2015

Introduced in the Senate on April 29, 2015

Last Amended on April 28, 2015

Passed by the General Assembly on May 28, 2015

Governor's Action: June 3, 2015, Signed

Summary: S.C. Overdose Prevention Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2014 House Prefiled

 12/11/2014 House Referred to Committee on **Judiciary**

 1/13/2015 House Introduced and read first time ([House Journal‑page 89](file:///h%3A%5CHJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 89](file:///h%3A%5CHJ%20Archive%5C2015%5C01-13-15.docx))

 2/10/2015 House Member(s) request name added as sponsor: Kennedy, Clary

 3/3/2015 House Member(s) request name added as sponsor: Corley

 4/22/2015 House Member(s) request name added as sponsor: Weeks, Whipper

 4/22/2015 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](file:///h%3A%5CHJ%20Archive%5C2015%5C04-22-15.docx))

 4/28/2015 House Member(s) request name added as sponsor: Gilliard

 4/28/2015 House Amended ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2015%5C04-28-15.docx))

 4/28/2015 House Read second time ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2015%5C04-28-15.docx))

 4/28/2015 House Roll call Yeas‑91 Nays‑0 ([House Journal‑page 47](file:///h%3A%5CHJ%20Archive%5C2015%5C04-28-15.docx))

 4/29/2015 House Read third time and sent to Senate ([House Journal‑page 10](file:///h%3A%5CHJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 5/5/2015 Scrivener's error corrected

 5/21/2015 Senate Committee report: Favorable **Medical Affairs**

 5/26/2015 Senate Read second time ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2015%5C05-26-15.docx))

 5/26/2015 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 17](file:///h%3A%5CSJ%20Archive%5C2015%5C05-26-15.docx))

 5/28/2015 Senate Read third time and enrolled ([Senate Journal‑page 10](file:///h%3A%5CSJ%20Archive%5C2015%5C05-28-15.docx))

 6/2/2015 Ratified R 85

 6/3/2015 Signed By Governor

 6/8/2015 Effective date 06/03/15

 6/9/2015 Act No. 54

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**VERSIONS OF THIS BILL**

[12/11/2014](file:///p%3A%5Cpprever%5C2015-16%5C3083_20141211.docx)

[4/22/2015](file:///p%3A%5Cpprever%5C2015-16%5C3083_20150422.docx)

[4/28/2015](file:///p%3A%5Cpprever%5C2015-16%5C3083_20150428.docx)

[5/5/2015](file:///p%3A%5Cpprever%5C2015-16%5C3083_20150505.docx)

[5/21/2015](file:///p%3A%5Cpprever%5C2015-16%5C3083_20150521.docx)

(A54, R85, H3083)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA OVERDOSE PREVENTION ACT” BY ADDING CHAPTER 130 TO TITLE 44 SO AS TO ALLOW CERTAIN MEDICAL PROFESSIONALS TO PRESCRIBE OPIOID ANTIDOTES FOR INDIVIDUALS WHO THE MEDICAL PROFESSIONAL BELIEVES IN GOOD FAITH ARE AT RISK OF EXPERIENCING AN OPIOID OVERDOSE, TO REQUIRE MEDICAL PROFESSIONALS TO PROVIDE INSTRUCTIONAL INFORMATION TO A PERSON TO WHOM THE MEDICAL PROFESSIONAL PRESCRIBES AN OPIOID ANTIDOTE, TO ALLOW PHARMACISTS TO DISPENSE OPIOID ANTIDOTES PURSUANT TO A PRESCRIPTION, TO ALLOW CAREGIVERS AND FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES TO INDIVIDUALS WHO THE CAREGIVER OR FIRST RESPONDER BELIEVES IN GOOD FAITH ARE AT RISK OF EXPERIENCING AN OPIOID OVERDOSE, TO ALLOW PRESCRIBERS TO PRESCRIBE STANDING ORDERS FOR OPIOID ANTIDOTES TO FIRST RESPONDERS AND FOR FIRST RESPONDERS TO POSSESS THESE OPIOID ANTIDOTES, AND TO PROVIDE PROTECTIONS FROM CIVIL AND CRIMINAL LIABILITY FOR PRESCRIBING, DISPENSING, OR ADMINISTERING OPIOID ANTIDOTES, AND FOR OTHER PURPOSES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Health, opioid overdose prevention**

SECTION 1. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 130

South Carolina Overdose Prevention Act

 Section 44‑130‑10. This chapter may be cited as the ‘South Carolina Overdose Prevention Act’.

 Section 44‑130‑20. For purposes of this chapter:

 (1) ‘Caregiver’ means a person who is not at risk of an opioid overdose but who, in the judgment of a physician, may be in a position to assist another individual during an overdose and who has received patient overdose information as required by Section 44‑130‑30 on the indications for and administration of an opioid antidote.

 (2) ‘Department’ means the Department of Health and Environmental Control.

 (3) ‘Drug overdose’ means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance or other substance with which a controlled substance was combined and that a layperson would reasonably believe to require medical assistance.

 (4) ‘First responder’ means an emergency medical services provider, a law enforcement officer, or a fire department worker directly engaged in examining, treating, or directing persons during an emergency.

 (5) ‘Medical assistance’ means professional medical services that are provided to a person experiencing a drug overdose.

 (6) ‘Opioid antidote’ means naloxone hydrochloride or other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

 (7) ‘Pharmacist’ means an individual licensed pursuant to Chapter 43, Title 40 to engage in the practice of pharmacy.

 (8) ‘Prescriber’ means a physician licensed pursuant to Chapter 47, Title 40, an advanced practice registered nurse licensed pursuant to Chapter 33, Title 40 and prescribing in accordance with the requirements of that chapter, and a physician assistant licensed pursuant to Article 7, Chapter 47, Title 40 and prescribing in accordance with the requirements of that article.

 Section 44‑130‑30. (A) A prescriber acting in good faith and exercising reasonable care as a prescriber may issue a written prescription for an opioid antidote to:

 (1) a person who is at risk of experiencing an opioid‑related overdose; or

 (2) a caregiver for a person who is at risk of experiencing an opioid overdose whom the prescriber has not personally examined.

 (B)(1) The prescriber must provide to the person or the caregiver overdose information addressing the following:

 (a) opioid overdose prevention and recognition;

 (b) opioid antidote dosage and administration;

 (c) the importance of calling 911 emergency telephone service for medical assistance with an opioid overdose; and

 (d) care for an overdose victim after administration of the opioid antidote.

 (2) The prescriber must document in the medical record that the opioid overdose information required by this subsection has been provided to the person or the caregiver.

 (C) A prescriber acting in good faith and exercising reasonable care may issue a standing order for a first responder to possess an opioid antidote for administration to a person whom the first responder believes to be experiencing an opioid‑related overdose.

 (D) A prescriber who issues a written prescription or a standing order for an opioid antidote in accordance with the provisions of this section is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action.

 Section 44‑130‑40. (A) A pharmacist acting in good faith and exercising reasonable care as a pharmacist may dispense an opioid antidote pursuant to a written prescription or standing order by a prescriber.

 (B) A pharmacist dispensing an opioid antidote in accordance with the provisions of this section is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action.

 Section 44‑130‑50. (A) A caregiver may in an emergency administer, without fee, an opioid antidote to a person whom the caregiver believes in good faith is experiencing an opioid overdose if the caregiver has received the opioid overdose information provided for in Section 44‑130‑30.

 (B) A caregiver who administers an opioid antidote in accordance with the provisions of this section is not subject to civil or criminal liability.

 Section 44‑130‑60. (A) A first responder may administer an opioid antidote in an emergency if the first responder believes in good faith that the person is experiencing an opioid overdose.

 (B) The first responder must comply with all applicable requirements for possession, administration, and disposal of the opioid antidote and administration device. The department may promulgate regulations to implement this section, including appropriate training for first responders who carry or have access to an opioid antidote.

 (C) A first responder who administers an opioid antidote in accordance with the provisions of this section to a person whom the first responder believes in good faith is experiencing an opioid overdose is not by an act or omission subject to civil or criminal liability or to professional disciplinary action.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2015.

Approved the 3rd day of June, 2015.

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