**South Carolina General Assembly**

121st Session, 2015-2016

**A247, R285, H5193**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Huggins

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Introduced in the House on April 12, 2016

Introduced in the Senate on May 3, 2016

Last Amended on May 31, 2016

Passed by the General Assembly on June 2, 2016

Governor's Action: June 5, 2016, Signed

Summary: Opioid antidotes

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/12/2016 House Introduced and read first time ([House Journal‑page 55](file:///h:\HJ%20Archive\2016\04-12-16.docx))

4/12/2016 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 55](file:///h:\HJ%20Archive\2016\04-12-16.docx))

4/14/2016 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs**

4/15/2016 House Committed to Committee on **Judiciary**

4/27/2016 House Recalled from Committee on **Judiciary** ([House Journal‑page 65](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/28/2016 House Amended ([House Journal‑page 31](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Read second time ([House Journal‑page 31](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 33](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 34](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/29/2016 House Read third time and sent to Senate ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\04-29-16.docx))

5/3/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\05-03-16.docx))

5/3/2016 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\05-03-16.docx))

5/19/2016 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2016\05-19-16.docx))

5/26/2016 Senate Read second time ([Senate Journal‑page 38](file:///h:\SJ%20Archive\2016\05-26-16.docx))

5/31/2016 Senate Amended ([Senate Journal‑page 24](file:///h:\SJ%20Archive\2016\05-31-16.docx))

5/31/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 24](file:///h:\SJ%20Archive\2016\05-31-16.docx))

5/31/2016 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 24](file:///h:\SJ%20Archive\2016\05-31-16.docx))

6/2/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 8](file:///h:\HJ%20Archive\2016\06-02-16.docx))

6/2/2016 House Roll call Yeas‑64 Nays‑39 ([House Journal‑page 8](file:///h:\HJ%20Archive\2016\06-02-16.docx))

6/2/2016 Ratified R 285

6/5/2016 Signed By Governor

6/10/2016 Effective date 06/05/16

6/13/2016 Act No. 247

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**VERSIONS OF THIS BILL**

[4/12/2016](file:///p:\pprever\2015-16\5193_20160412.docx)

[4/27/2016](file:///p:\pprever\2015-16\5193_20160427.docx)

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[5/31/2016](file:///p:\pprever\2015-16\5193_20160531.docx)

(A247, R285, H5193)

**AN ACT TO AMEND SECTION 44‑130‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OPIOID ANTIDOTES, SO AS TO ALLOW PHARMACISTS TO DISPENSE OPIOID ANTIDOTES PURSUANT TO A JOINT WRITTEN PROTOCOL ISSUED BY THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY AND TO ESTABLISH PROTOCOL REQUIREMENTS, TO PROHIBIT PHARMACISTS FROM DELEGATING THE DISPENSING OF AN OPIOID ANTIDOTE TO PHARMACY INTERNS AND TECHNICIANS, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO STUDY CERTAIN ISSUES RELATED TO OPIOID ADDICTION AND TO PROVIDE A REPORT, AND FOR OTHER PURPOSES.**

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

**Prescription of an opioid antidote**

SECTION 1. Section 44‑130‑40 of the 1976 Code, as added by Act 54 of 2015, is amended to read:

“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)(1) A pharmacist acting in good faith and exercising reasonable care as a pharmacist may dispense an opioid antidote pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.

(2) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense an opioid antidote without a patient‑specific written order or prescription to a person at risk of experiencing an opioid‑related overdose or to a caregiver of such a person.

(3) The protocol must address, at a minimum, the following:

(a) the information that the pharmacist must provide to a person at risk or to a caregiver including, but not limited to, the information required by Section 44‑130‑30(B)(1);

(b) the documentation that the pharmacist must maintain regarding the dispensing of the opioid antidote and confirming that the required information was provided to the person at risk or to the caregiver;

(c) notification of the person’s designated physician or primary care provider that an opioid antidote has been dispensed to that person;

(d) any education or training requirements that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary for a pharmacist to dispense an opioid antidote pursuant to the joint protocol;

(e) guidelines for determining whether an individual is in a position to assist another individual during an overdose and thus may function as a caregiver; and

(f) any other provisions determined by the Board of the Medical Examiners and the Board of Pharmacy to be necessary or appropriate for inclusion in the protocol, including any reporting requirements.

(4) A pharmacist may not delegate the dispensing of an opioid antidote pursuant to this subsection to a pharmacy intern or a pharmacy technician.

(5)(a) All records required by this subsection must be maintained in the pharmacy for a period of at least ten years from the date that the opioid antidote was last dispensed.

(b) All documentation, records, and copies required by this subsection may be stored electronically.

(6) A pharmacist dispensing an opioid antidote pursuant to this subsection must maintain a current copy of the protocol at the pharmacy where the opioid antidote is dispensed.

(7) The Board of Medical Examiners and the Board of Pharmacy may appoint an advisory committee of healthcare professionals licensed in this State to advise and assist in the development of the joint protocol for their consideration.

(8) For purposes of this subsection, ‘caregiver’ means a person who is not at risk of an opioid overdose but who, in the judgment of the pharmacist, may be in a position to assist another individual during an overdose and who has received patient overdose information as required by the joint protocol.

(C) 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.

(D) The Veterans Equal Access Amendment to the Military Construction and Veterans Affairs Appropriations passed by the United States Congress provides that: ‘Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall authorize physicians and other health care providers employed by the Department of Veterans Affairs to provide recommendations and opinions to veterans who are residents of states with state marijuana programs regarding the participation of veterans in such state marijuana programs.’ The Department of Health and Environmental Control is directed to study: (1) the possibility that a person experiencing an opioid‑related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs’ physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.”

**Time effective**

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

Ratified the 2nd day of June, 2016.

Approved the 5th day of June, 2016.

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