

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 214

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-42-27-2, AS AMENDED BY P.L.80-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without examining the individual to whom it may be administered if all of the following conditions are met:

- (1) The overdose intervention drug is dispensed or prescribed to:
 - (A) a person at risk of experiencing an opioid-related overdose; or
 - (B) a family member, a friend, or any other individual or entity in a position to assist an individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose.
- (2) The prescriber instructs the individual receiving the overdose intervention drug or prescription to summon emergency services either immediately before or immediately after administering the overdose intervention drug to an individual experiencing an opioid-related overdose.
- (3) The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
- (4) The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in

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the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(b) A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

(c) An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.

(d) An individual described in subsection (a)(1) may not be considered to be practicing medicine without a license in violation of IC 25-22.5-8-2, if the individual, acting in good faith, does the following:

- (1) Obtains the overdose intervention drug from a prescriber or entity acting under a standing order issued by a prescriber.
- (2) Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.
- (3) Attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.

(e) An entity acting under a standing order issued by a prescriber must do the following:

- (1) Annually register with either the:
 - (A) state department; or
 - (B) local health department in the county where services will be provided by the entity;
 in a manner prescribed by the state department.
- (2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
- (3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (4) Submit an annual report to the state department containing:
 - (A) the number of sales of the overdose intervention drug dispensed;
 - (B) the dates of sale of the overdose intervention drug dispensed; and



(C) any additional information requested by the state department.

(f) The state department shall ensure that a statewide standing order for the dispensing of an overdose intervention drug in Indiana is issued under this section. The state health commissioner or a designated public health authority who is a licensed prescriber may, as part of the individual's official capacity, issue a statewide standing order that may be used for the dispensing of an overdose intervention drug under this section. **A statewide standing order issued under this section must allow for choice in the:**

- (1) purchasing;**
- (2) dispensing; and**
- (3) distributing;**

of any formulation or dosage of a naloxone product that is approved by the federal Food and Drug Administration. The immunity provided in IC 34-13-3-3 applies to an individual described in this subsection.

(g) A law enforcement officer may not take an individual into custody based solely on the commission of an offense described in subsection (h), if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the individual:

- (1) obtained the overdose intervention drug as described in subsection (a)(1);
- (2) complied with the provisions in subsection (d);
- (3) administered an overdose intervention drug to an individual who appeared to be experiencing an opioid-related overdose;
- (4) provided:
 - (A) the individual's full name; and
 - (B) any other relevant information requested by the law enforcement officer;
- (5) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived;
- (6) cooperated with emergency medical assistance personnel and law enforcement officers at the scene; and
- (7) came into contact with law enforcement because the individual requested emergency medical assistance for another individual who appeared to be experiencing an opioid-related overdose.

(h) An individual who meets the criteria in subsection (g) is immune from criminal prosecution for the following:

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- (1) IC 35-48-4-6 (possession of cocaine).
- (2) IC 35-48-4-6.1 (possession of methamphetamine).
- (3) IC 35-48-4-7 (possession of a controlled substance).
- (4) IC 35-48-4-8.3 (possession of paraphernalia).
- (5) IC 35-48-4-11 (possession of marijuana).
- (6) An offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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