
SENATE BILL No. 418

AM041805 has been incorporated into introduced printing.

Synopsis: Emergency medical assistance.

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2023

IN 418—LS 6829/DI 77



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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.

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SENATE BILL No. 418

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

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

- 7 (1) The overdose intervention drug is dispensed or prescribed to:
 - 8 (A) a person at risk of experiencing an opioid-related
 - 9 overdose; or
 - 10 (B) a family member, a friend, or any other individual or
 - 11 entity in a position to assist an individual who, there is
 - 12 reason to believe, is at risk of experiencing an
 - 13 opioid-related overdose.
- 14 (2) The prescriber instructs the individual receiving the overdose
- 15 intervention drug or prescription to summon emergency services



- 1 either immediately before or immediately after administering the
 2 overdose intervention drug to an individual experiencing an
 3 opioid-related overdose.
- 4 (3) The prescriber provides education and training on drug
 5 overdose response and treatment, including the administration of
 6 an overdose intervention drug.
- 7 (4) The prescriber provides drug addiction treatment information
 8 and referrals to drug treatment programs, including programs in
 9 the local area and programs that offer medication assisted
 10 treatment that includes a federal Food and Drug Administration
 11 approved long acting, nonaddictive medication for the treatment
 12 of opioid or alcohol dependence.
- 13 (b) A prescriber may provide a prescription of an overdose
 14 intervention drug to an individual as a part of the individual's addiction
 15 treatment plan.
- 16 (c) An individual described in subsection (a)(1) may administer an
 17 overdose intervention drug to an individual who is suffering from an
 18 overdose.
- 19 (d) An individual described in subsection (a)(1) may not be
 20 considered to be practicing medicine without a license in violation of
 21 IC 25-22.5-8-2, if the individual, acting in good faith, does the
 22 following:
- 23 (1) Obtains the overdose intervention drug from a prescriber or
 24 entity acting under a standing order issued by a prescriber.
- 25 (2) Administers the overdose intervention drug to an individual
 26 who is experiencing an apparent opioid-related overdose.
- 27 (3) Attempts to summon emergency services either immediately
 28 before or immediately after administering the overdose
 29 intervention drug.
- 30 (e) An entity acting under a standing order issued by a prescriber
 31 must do the following:
- 32 (1) Annually register with either the:
- 33 (A) state department; or
- 34 (B) local health department in the county where services
 35 will be provided by the entity;
- 36 in a manner prescribed by the state department.
- 37 (2) Provide education and training on drug overdose response
 38 and treatment, including the administration of an overdose
 39 intervention drug.
- 40 (3) Provide drug addiction treatment information and referrals to
 41 drug treatment programs, including programs in the local area

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

- 5 (4) Submit an annual report to the state department containing:
 - 6 (A) the number of sales of the overdose intervention drug
 - 7 dispensed;
 - 8 (B) the dates of sale of the overdose intervention drug
 - 9 dispensed; and
 - 10 (C) any additional information requested by the state
 - 11 department.

12 (f) The state department shall ensure that a statewide standing
13 order for the dispensing of an overdose intervention drug in Indiana is
14 issued under this section. The state health commissioner or a
15 designated public health authority who is a licensed prescriber may, as
16 part of the individual's official capacity, issue a statewide standing
17 order that may be used for the dispensing of an overdose intervention
18 drug under this section. The immunity provided in IC 34-13-3-3 applies
19 to an individual described in this subsection.

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

- 26 (1) **Satisfied either of the following conditions:**
 - 27 (A) **The individual:**
 - 28 (i) obtained the overdose intervention drug as
 - 29 described in subsection (a)(1);
 - 30 ~~(2)~~ (ii) complied with the provisions in subsection (d);
 - 31 **and**
 - 32 ~~(3)~~ (iii) administered an overdose intervention drug to
 - 33 an individual who appeared to be experiencing an
 - 34 opioid-related overdose.
 - 35 (B) **The individual:**
 - 36 (i) **requested emergency medical assistance; or**
 - 37 (ii) **acted in concert with another individual who**
 - 38 **requested emergency medical assistance;**
 - 39 **for an individual who reasonably appeared to be in need**
 - 40 **of medical assistance.**
- 41 ~~(4)~~ (2) Provided:

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- 1 (A) the individual's full name; and
 2 (B) any other relevant information requested by the law
 3 enforcement officer.
- 4 ~~(5)~~ (3) Remained at the scene with the individual who
 5 reasonably appeared to be in need of medical assistance until
 6 emergency medical assistance arrived.
- 7 ~~(6)~~ (4) Cooperated with emergency medical assistance personnel
 8 and law enforcement officers at the scene. ~~and~~
- 9 ~~(7)~~ (5) Came into contact with law enforcement because the
 10 individual requested emergency medical assistance for another
 11 individual who appeared to be experiencing an opioid-related
 12 overdose.
- 13 (h) An individual who meets the criteria in subsection (g) is
 14 immune from criminal prosecution for the following:
- 15 (1) IC 35-48-4-6 (possession of cocaine).
 16 (2) IC 35-48-4-6.1 (possession of methamphetamine).
 17 (3) IC 35-48-4-7 (possession of a controlled substance).
 18 (4) IC 35-48-4-8.3 (possession of paraphernalia).
 19 (5) IC 35-48-4-11 (possession of marijuana).
 20 (6) An offense under IC 35-48-4 involving possession of a
 21 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 22 controlled substance analog (as defined in IC 35-48-1-9.3), or
 23 possession of a substance represented to be a controlled
 24 substance (as described in IC 35-48-4-4.6).
- 25 SECTION 2. IC 35-38-1-7.1, AS AMENDED BY P.L.5-2019,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 7.1. (a) In determining what sentence to impose
 28 for a crime, the court may consider the following aggravating
 29 circumstances:
- 30 (1) The harm, injury, loss, or damage suffered by the victim of
 31 an offense was:
- 32 (A) significant; and
 33 (B) greater than the elements necessary to prove the
 34 commission of the offense.
- 35 (2) The person has a history of criminal or delinquent behavior.
 36 (3) The victim of the offense was less than twelve (12) years of
 37 age or at least sixty-five (65) years of age at the time the person
 38 committed the offense.
- 39 (4) The person:
- 40 (A) committed a crime of violence (IC 35-50-1-2); and
 41 (B) knowingly committed the offense in the presence or

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- 1 within hearing of an individual who:
- 2 (i) was less than eighteen (18) years of age at the time
- 3 the person committed the offense; and
- 4 (ii) is not the victim of the offense.
- 5 (5) The person violated a protective order issued against the
- 6 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
- 7 IC 34-4-5.1 before their repeal), a workplace violence restraining
- 8 order issued against the person under IC 34-26-6, or a no contact
- 9 order issued against the person.
- 10 (6) The person has recently violated the conditions of any
- 11 probation, parole, pardon, community corrections placement, or
- 12 pretrial release granted to the person.
- 13 (7) The victim of the offense was:
- 14 (A) a person with a disability (as defined in IC 27-7-6-12),
- 15 and the defendant knew or should have known that the
- 16 victim was a person with a disability; or
- 17 (B) mentally or physically infirm.
- 18 (8) The person was in a position having care, custody, or control
- 19 of the victim of the offense.
- 20 (9) The injury to or death of the victim of the offense was the
- 21 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 22 (10) The person threatened to harm the victim of the offense or
- 23 a witness if the victim or witness told anyone about the offense.
- 24 (11) The person:
- 25 (A) committed trafficking with an inmate under
- 26 IC 35-44.1-3-5; and
- 27 (B) is an employee of the penal facility.
- 28 (12) The person committed the offense with bias due to the
- 29 victim's or the group's real or perceived characteristic, trait,
- 30 belief, practice, association, or other attribute the court chooses
- 31 to consider, including but not limited to an attribute described in
- 32 IC 10-13-3-1.
- 33 (b) The court may consider the following factors as mitigating
- 34 circumstances or as favoring suspending the sentence and imposing
- 35 probation:
- 36 (1) The crime neither caused nor threatened serious harm to
- 37 persons or property, or the person did not contemplate that it
- 38 would do so.
- 39 (2) The crime was the result of circumstances unlikely to recur.
- 40 (3) The victim of the crime induced or facilitated the offense.
- 41 (4) There are substantial grounds tending to excuse or justify the

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- 1 crime, though failing to establish a defense.
- 2 (5) The person acted under strong provocation.
- 3 (6) The person has no history of delinquency or criminal activity,
- 4 or the person has led a law-abiding life for a substantial period
- 5 before commission of the crime.
- 6 (7) The person is likely to respond affirmatively to probation or
- 7 short term imprisonment.
- 8 (8) The character and attitudes of the person indicate that the
- 9 person is unlikely to commit another crime.
- 10 (9) The person has made or will make restitution to the victim of
- 11 the crime for the injury, damage, or loss sustained.
- 12 (10) Imprisonment of the person will result in undue hardship to
- 13 the person or the dependents of the person.
- 14 (11) The person was convicted of a crime involving the use of
- 15 force against a person who had repeatedly inflicted physical or
- 16 sexual abuse upon the convicted person and evidence shows that
- 17 the convicted person suffered from the effects of battery as a
- 18 result of the past course of conduct of the individual who is the
- 19 victim of the crime for which the person was convicted.
- 20 (12) The person was convicted of a crime relating to **alcohol or**
- 21 a controlled substance and the person's arrest or prosecution was
- 22 facilitated in part because the person:
- 23 (A) requested emergency medical assistance; or
- 24 (B) acted in concert with another person who requested
- 25 emergency medical assistance;
- 26 for an individual who reasonably appeared to be in need of
- 27 medical assistance due to the use of alcohol or a controlled
- 28 substance.
- 29 (13) The person has posttraumatic stress disorder, traumatic
- 30 brain injury, or a postconcussive brain injury.
- 31 (c) The criteria listed in subsections (a) and (b) do not limit the
- 32 matters that the court may consider in determining the sentence.
- 33 (d) A court may impose any sentence that is:
- 34 (1) authorized by statute; and
- 35 (2) permissible under the Constitution of the State of Indiana;
- 36 regardless of the presence or absence of aggravating circumstances or
- 37 mitigating circumstances.
- 38 (e) If a court suspends a sentence and orders probation for a person
- 39 described in subsection (b)(13), the court may require the person to
- 40 receive treatment for the person's injuries.

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