

3/13/15

1:02 p.m.

Chapter No. 337  
15/HR40/R1197SG  
CST/NC

***HOUSE BILL NO. 692***

Originated in House \_\_\_\_\_  \_\_\_\_\_ Clerk

HOUSE BILL NO. 692

AN ACT TO BE KNOWN AS THE EMERGENCY RESPONSE AND OVERDOSE PREVENTION ACT; TO AUTHORIZE PHYSICIANS AND CERTAIN OTHER LICENSED HEALTH CARE PROVIDERS ACTING IN GOOD FAITH AND IN COMPLIANCE WITH THE STANDARD OF CARE APPLICABLE TO THAT PRACTITIONER TO PRESCRIBE AN OPIOID ANTAGONIST TO A PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO OTHER PERSONS IN A POSITION TO ASSIST SUCH PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE; TO AUTHORIZE PHARMACISTS TO DISPENSE OPIOID ANTAGONISTS UNDER A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS ACT; TO AUTHORIZE PERSONS ACTING IN GOOD FAITH AND WITH REASONABLE CARE TO ANOTHER PERSON WHOM HE OR SHE BELIEVES TO BE EXPERIENCING AN OPIOID-RELATED OVERDOSE TO ADMINISTER AN OPIOID ANTAGONIST THAT WAS PRESCRIBED IN ACCORDANCE WITH THIS ACT; TO AUTHORIZE EMERGENCY MEDICAL TECHNICIANS TO ADMINISTER AN OPIOID ANTAGONIST AS CLINICALLY INDICATED; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL LICENSING SANCTIONS FOR PERSONS WHO TAKE THE ACTIONS AUTHORIZED BY THIS SECTION; TO CREATE NEW SECTION 41-29-149.1, MISSISSIPPI CODE OF 1972, TO CREATE THE "MISSISSIPPI MEDICAL EMERGENCY GOOD SAMARITAN ACT" TO PROVIDE IMMUNITY FROM ARREST OR PROSECUTION FOR CERTAIN DRUG VIOLATIONS BY A PERSON SEEKING TREATMENT FOR A DRUG OVERDOSE IF THE EVIDENCE OF THE VIOLATION RESULTS FROM THE MEDICAL TREATMENT OF THE DRUG OVERDOSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) This section shall be known as the  
"Emergency Response and Overdose Prevention Act."

(2) As used in this section, the following terms shall be defined as provided in this subsection:

(a) "Practitioner" means a physician licensed to practice medicine in this state or any licensed health care provider who is authorized to prescribe an opioid antagonist.

(b) "Opioid antagonist" means any drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors and that is approved by the federal Food and Drug Administration for the treatment of an opioid-related overdose.

(c) "Opioid-related overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined for which medical assistance is required.

(d) "Emergency medical technician" means an individual who possesses a valid emergency medical technician's certificate issued under Section 41-59-33.

(3) A practitioner acting in good faith and in compliance with the standard of care applicable to that practitioner may directly or by standing order prescribe an opioid antagonist to a person at risk of experiencing an opioid-related overdose or to a

registered pain management clinic, family member, friend or other person in a position to assist such person at risk of experiencing an opioid-related overdose.

(4) A pharmacist acting in good faith and in compliance with the standard of care applicable to pharmacists may dispense opioid antagonists under a prescription issued in accordance with subsection (3) of this section.

(5) A person acting in good faith and with reasonable care to another person whom he or she believes to be experiencing an opioid-related overdose may administer an opioid antagonist that was prescribed in accordance with subsection (3) of this section.

(6) Emergency medical technicians acting in good faith shall be authorized and permitted to administer an opioid antagonist as clinically indicated.

(7) The following individuals are immune from any civil or criminal liability or professional licensing sanctions for the following actions authorized by this section:

(a) Any practitioner who prescribes an opioid antagonist in accordance with subsection (3) of this section;

(b) Any practitioner or pharmacist acting in good faith and in compliance with the standard of care applicable to that practitioner or pharmacist who dispenses an opioid antagonist under a prescription issued in accordance with subsection (3) of this section;

(c) Any person other than a practitioner who administers an opioid antagonist in accordance with subsection (5) of this section; and

(d) Any emergency medical technician who administers an opioid antagonist in accordance with subsection (6) of this section.

**SECTION 2.** The following shall be codified as Section 41-29-149.1, Mississippi Code of 1972:

41-29-149.1. (1) This section shall be known as the "Mississippi Medical Emergency Good Samaritan Act."

(2) As used in this section, the following words shall have the meanings ascribed:

(a) "Drug overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of a controlled substance or dangerous drug in violation of this chapter or that a layperson would reasonably believe to be resulting from the consumption or use of a controlled substance or dangerous drug for which medical assistance is required.

(b) "Drug violation" means:

(i) A violation of Section 41-29-139 for possession of a controlled substance if the aggregate weight, including any mixture, is less than four (4) grams of a solid substance, less than twenty (20) dosage units, less than one (1)

milliliter of liquid substance, or, if the substance is placed onto a secondary medium, has a combined weight of less than four (4) grams;

(ii) A violation of Section 41-29-139 for possession of thirty (30) grams or less of marihuana or synthetic cannabinoids; or

(iii) A violation of Section 41-29-139(d) (2) relating to possession and use of paraphernalia.

(c) "Medical assistance" means aid provided to a person experiencing or believed to be experiencing a drug overdose by a health care professional who is licensed, registered, or certified under the laws of this state and who, acting within the lawful scope of practice, may provide diagnosis, treatment, or emergency services relative to the overdose.

(d) "Seeks medical assistance" means accesses or assists in accessing the E-911 system or otherwise contacts or assists in contacting law enforcement or a poison control center or provides care to a person experiencing or believed to be experiencing a drug overdose while awaiting the arrival of medical assistance to aid the person.

(3) (a) Any person who in good faith seeks medical assistance for someone who is experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug violation if there is evidence that the person is under the influence of a

controlled substance or in possession of a controlled substance as referenced in subsection (2)(b) of this section.

(b) Any person who is experiencing a drug overdose and, in good faith, seeks medical assistance or is the subject of a request for medical assistance shall not be arrested, charged, or prosecuted for a drug violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance as referenced in subsection (2)(b) of this section.

(c) A person shall also not be subject to, if related to the seeking of medical assistance:

(i) Penalties for a violation of a permanent or temporary protective order or restraining order;

(ii) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or

(iii) Forfeiture of property pursuant to Section 41-29-153 or 41-29-176 for a drug violation, except that prima facie contraband shall be subject to forfeiture.

(4) Nothing in this section shall be construed:

(a) To limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (3) of this section or with regard to other crimes

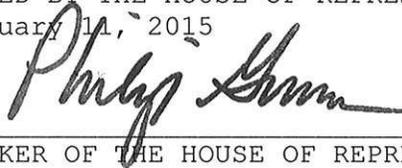
committed by a person who otherwise qualifies for protection pursuant to subsection (3) of this section;

(b) To limit any seizure of evidence or contraband otherwise permitted by law; and

(c) To limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (3) of this section.

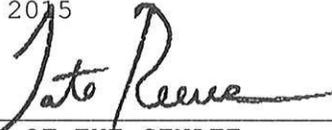
**SECTION 3.** This act shall take effect and be in force from and after July 1, 2015, and shall apply to all acts committed on or after that date.

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 11, 2015



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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 5, 2015



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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



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GOVERNOR

3/13/15  
1:02 pm