

[Second Reprint]

**ASSEMBLY, No. 4467**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED JANUARY 10, 2017

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**SYNOPSIS**

Clarifies that authorized persons and entities may administer a single dose of any opioid antidote, or multiple doses of any intranasal or intramuscular opioid antidote, to overdose victims, with immunity under "Overdose Prevention Act."

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on December 14, 2017, with amendments.

**(Sponsorship Updated As Of: 1/9/2018)**

1 AN ACT concerning the administration of opioid antidotes, and  
2 amending P.L.2013, c.46.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.2013, c.46 (C.24:6J-3) is amended to read  
8 as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Human Services.

11 "Drug overdose" means an acute condition including, but not  
12 limited to, physical illness, coma, mania, hysteria, or death resulting  
13 from the consumption or use of a controlled dangerous substance or  
14 another substance with which a controlled dangerous substance was  
15 combined and that a layperson would reasonably believe to require  
16 medical assistance.

17 "Emergency medical response entity" means an organization,  
18 company, governmental entity, community-based program, or  
19 healthcare system that provides pre-hospital emergency medical  
20 services and assistance to opioid or heroin addicts or abusers in the  
21 event of an overdose. "Emergency medical response entity"  
22 includes, but is not limited to, a first aid, rescue and ambulance  
23 squad or other basic life support (BLS) ambulance provider; a  
24 mobile intensive care provider or other advanced life support (ALS)  
25 ambulance provider; an air medical service provider; or a fire-  
26 fighting company or organization, which squad, provider, company,  
27 or organization is qualified to send paid or volunteer emergency  
28 medical responders to the scene of an emergency.

29 "Emergency medical responder" means a person, other than a  
30 health care practitioner, who is employed on a paid or volunteer  
31 basis in the area of emergency response, including, but not limited  
32 to, an emergency medical technician , a mobile intensive care  
33 paramedic, or a fire fighter, acting in that person's professional  
34 capacity.

35 "Health care practitioner" means a prescriber, pharmacist, or  
36 other individual whose professional practice is regulated pursuant to  
37 Title 45 of the Revised Statutes, and who, in accordance with the  
38 practitioner's scope of professional practice, prescribes or dispenses  
39 an opioid antidote.

40 "Medical assistance" means professional medical services that  
41 are provided to a person experiencing a drug overdose by a health  
42 care practitioner, acting within the practitioner's scope of  
43 professional practice, including professional medical services that

**EXPLANATION** – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted February 27, 2017.

<sup>2</sup>Senate SHH committee amendments adopted December 14, 2017.

1 are mobilized through telephone contact with the 911 telephone  
2 emergency service.

3 "Opioid antidote" means [naloxone hydrochloride, or any other  
4 similarly acting] any drug , regardless of dosage amount or method  
5 of administration, which has been approved by the United States  
6 Food and Drug Administration (FDA) for the treatment of an opioid  
7 overdose. "Opioid antidote" includes, but is not limited to,  
8 naloxone hydrochloride, in any dosage amount, which is  
9 administered through nasal spray or any other FDA-approved  
10 means or methods.

11 "Patient" means a person who is at risk of an opioid overdose or  
12 a person who is not at risk of an opioid overdose who, in the  
13 person's individual capacity, obtains an opioid antidote from a  
14 health care practitioner, professional, or professional entity for the  
15 purpose of administering that antidote to another person in an  
16 emergency, in accordance with subsection c. of section 4 of  
17 P.L.2013, c.46 (C.24:6J-4). "Patient" includes a professional who is  
18 acting in that professional's individual capacity, but does not  
19 include a professional who is acting in a professional capacity.

20 "Prescriber" means a health care practitioner authorized by law  
21 to prescribe medications who, acting within the practitioner's scope  
22 of professional practice, prescribes an opioid antidote. "Prescriber"  
23 includes, but is not limited to, a physician, physician assistant, or  
24 advanced practice nurse.

25 "Professional" means a person, other than a health care  
26 practitioner, who is employed on a paid basis or is engaged on a  
27 volunteer basis in the areas of substance abuse treatment or therapy,  
28 criminal justice, or a related area, and who, acting in that person's  
29 professional or volunteer capacity, obtains an opioid antidote from a  
30 health care practitioner for the purposes of dispensing or  
31 administering that antidote to other parties in the course of business  
32 or volunteer activities. "Professional" includes, but is not limited  
33 to, a sterile syringe access program employee, or a law enforcement  
34 official.

35 "Professional entity" means an organization, company,  
36 governmental entity, community-based program, sterile syringe  
37 access program, or any other organized group that employs two or  
38 more professionals who engage, during the regular course of  
39 business or volunteer activities, in direct interactions with opioid or  
40 heroin addicts or abusers or other persons susceptible to opioid  
41 overdose, or with other persons who are in a position to provide  
42 direct medical assistance to opioid or heroin addicts or abusers in  
43 the event of an overdose.

44 "Recipient" means a patient, professional, professional entity,  
45 emergency medical responder, or emergency medical response  
46 entity who is prescribed or dispensed an opioid antidote in  
47 accordance with section 4 of P.L.2013, c.46 (C.24:6J-4).

48 (cf: P.L.2015, c.10, s.1)

1       2. Section 4 of P.L.2013, c.46 (C.24:6J-4) is amended to read  
2 as follows:

3       4. a. (1) A prescriber or other health care practitioner, as  
4 appropriate, may prescribe or dispense an opioid antidote:

5           (a) directly or through a standing order, to any recipient who is  
6 deemed by the health care practitioner to be capable of  
7 administering the opioid antidote to an overdose victim in an  
8 emergency;

9           (b) through a standing order, to any professional or emergency  
10 medical responder who is not acting in a professional or volunteer  
11 capacity for a professional entity, or an emergency medical  
12 response entity, but who is deemed by the health care practitioner to  
13 be capable of administering opioid antidotes to overdose victims, as  
14 part of the professional's regular course of business or volunteer  
15 activities;

16           (c) through a standing order, to any professional who is not  
17 acting in a professional or volunteer capacity for a professional  
18 entity, but who is deemed by the health care practitioner to be  
19 capable of dispensing opioid antidotes to recipients, for  
20 administration thereby, as part of the professional's regular course  
21 of business or volunteer activities;

22           (d) through a standing order, to any professional entity or any  
23 emergency medical response entity, which is deemed by the health  
24 care practitioner to employ professionals or emergency medical  
25 responders, as appropriate, who are capable of administering opioid  
26 antidotes to overdose victims as part of the entity's regular course of  
27 business or volunteer activities;

28           (e) through a standing order, to any professional entity which is  
29 deemed by the health care practitioner to employ professionals who  
30 are capable of dispensing opioid antidotes to recipients, for  
31 administration thereby, as part of the entity's regular course of  
32 business or volunteer activities.

33       (2) (a) For the purposes of this subsection, whenever the law  
34 expressly authorizes or requires a certain type of professional or  
35 professional entity to obtain a standing order for opioid antidotes  
36 pursuant to this section, such professional, or the professionals  
37 employed or engaged by such professional entity, as the case may  
38 be, shall be presumed by the prescribing or dispensing health care  
39 practitioner to be capable of administering or dispensing the opioid  
40 antidote, consistent with the express statutory requirement.

41       (b) For the purposes of this subsection, whenever the law  
42 expressly requires a certain type of emergency medical responder or  
43 emergency medical response entity to obtain a standing order for  
44 opioid antidotes pursuant to this section, such emergency medical  
45 responder, or the emergency medical responders employed or  
46 engaged by such emergency medical response entity, as the case  
47 may be, shall be presumed by the prescribing or dispensing health

1 care practitioner to be capable of administering the opioid antidote,  
2 consistent with the express statutory requirement.

3 (3) (a) Whenever a prescriber or other health care practitioner  
4 prescribes or dispenses an opioid antidote to a professional or  
5 professional entity pursuant to a standing order issued under  
6 paragraph (1) of this subsection, the standing order shall specify  
7 whether the professional or professional entity is authorized thereby  
8 to directly administer the opioid antidote to overdose victims; to  
9 dispense the opioid antidote to recipients, for their administration to  
10 third parties; or to both administer and dispense the opioid antidote.  
11 If a standing order does not include a specification in this regard, it  
12 shall be deemed to authorize the professional or professional entity  
13 only to administer the opioid antidote with immunity, as provided  
14 by subsection c. of this section, and it shall not be deemed to  
15 authorize the professional or professional entity to engage in the  
16 further dispensing of the antidote to recipients, unless such  
17 authority has been granted by law, as provided by subparagraph (b)  
18 of this paragraph.

19 (b) Notwithstanding the provisions of this paragraph to the  
20 contrary, if the law expressly authorizes or requires a certain type of  
21 professional, professional entity, emergency medical responder, or  
22 emergency medical response entity to administer or dispense opioid  
23 antidotes pursuant to a standing order issued hereunder, the  
24 standing order issued pursuant to this section shall be deemed to  
25 grant the authority specified by the law, even if such authority is not  
26 expressly indicated on the face of the standing order.

27 (4) Any prescriber or other health care practitioner who  
28 prescribes or dispenses an opioid antidote in good faith, and in  
29 accordance with the provisions of this subsection, shall not, as a  
30 result of the practitioner's acts or omissions, be subject to any  
31 criminal or civil liability, or any professional disciplinary action  
32 under Title 45 of the Revised Statutes for prescribing or dispensing  
33 an opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et  
34 seq.).

35 b. (1) Any professional or professional entity that has obtained  
36 a standing order, pursuant to subsection a. of this section, for the  
37 dispensing of opioid antidotes, may dispense an opioid antidote to  
38 any recipient who is deemed by the professional or professional  
39 entity to be capable of administering the opioid antidote to an  
40 overdose victim in an emergency.

41 (2) Any professional or professional entity that dispenses an  
42 opioid antidote in accordance with paragraph (1) of this subsection,  
43 in good faith, and pursuant to a standing order issued under  
44 subsection a. of this section, shall not, as a result of any acts or  
45 omissions, be subject to any criminal or civil liability or any  
46 professional disciplinary action for dispensing an opioid antidote in  
47 accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

1 c. (1) Any emergency medical responder or emergency medical  
2 response entity that has obtained a standing order, pursuant to  
3 subsection a. of this section, for the administration of opioid  
4 antidotes, may administer an opioid antidote to overdose victims.

5 (2) Any emergency medical responder or emergency medical  
6 response entity that administers an opioid antidote, in good faith, in  
7 accordance with paragraph (1) of this subsection, and pursuant to a  
8 standing order issued under subsection a. of this section, shall not,  
9 as a result of any acts or omissions, be subject to any criminal or  
10 civil liability, or any disciplinary action, for administering the  
11 opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et  
12 seq.)

13 d. (1) Any person who is the recipient of an opioid antidote,  
14 which has been prescribed or dispensed for administration purposes  
15 pursuant to subsection a. or b. of this section, and who has received  
16 overdose prevention information pursuant to section 5 of P.L.2013,  
17 c.46 (C.24:6J-5), may administer the opioid antidote to another  
18 person in an emergency, without fee, if the antidote recipient  
19 believes, in good faith, that the other person is experiencing an  
20 opioid overdose.

21 (2) Any person who administers an opioid antidote pursuant to  
22 paragraph (1) of this subsection shall not, as a result of the person's  
23 acts or omissions, be subject to any criminal or civil liability for  
24 administering the opioid antidote in accordance with P.L.2013, c.46  
25 (C.24:6J-1 et seq.).

26 e. In addition to the immunity that is provided by this section  
27 for authorized persons who are engaged in the prescribing,  
28 dispensing, or administering of an opioid antidote, the immunity  
29 provided by section 7 or section 8 of P.L.2013, c.46 (C.2C:35-30 or  
30 C.2C:35-31) shall apply to a person who acts in accordance with  
31 this section, provided that the requirements of those sections, as  
32 applicable, have been met.

33 f. Notwithstanding the provisions of any law, rule, regulation,  
34 ordinance, or institutional or organizational directive to the  
35 contrary, any person or entity authorized to administer an opioid  
36 antidote, pursuant to this section, may administer to an overdose  
37 victim, with full immunity:

38 (1) <sup>2</sup>a single dose of<sup>2</sup> any type of opioid antidote <sup>2</sup>[, regardless  
39 of dosage amount or method of administration, which] <sup>2</sup>that<sup>2</sup> has  
40 been approved by the United States Food and Drug Administration  
41 for use in the treatment of opioid overdoses; and

42 (2) <sup>2</sup>[as many] up to three<sup>2</sup> doses of <sup>2</sup>[the] an<sup>2</sup> opioid antidote  
43 <sup>2</sup>that is administered through intranasal application, or through an  
44 intramuscular auto-injector,<sup>2</sup> as may be necessary to revive the  
45 overdose victim <sup>2</sup>[, regardless of dosage amount or method of  
46 administration]<sup>2</sup> . Prior consultation with, or approval by, a third-  
47 party physician or other medical personnel shall not be required

1 before an authorized person or entity may administer <sup>2</sup>[more than  
2 one dose] up to three doses<sup>2</sup> of an opioid antidote <sup>2</sup>, as provided in  
3 this paragraph.<sup>2</sup> to the same overdose victim.

4 <sup>1</sup>g. No later than <sup>2</sup>[seven] 45<sup>2</sup> days after the effective date of  
5 P.L. \_\_\_\_\_, c. (pending before the Legislature as this bill), the  
6 Commissioner of Health shall <sup>2</sup>[send] provide<sup>2</sup> written notice to all  
7 emergency medical response entities affected by subsection f. of  
8 this section, notifying them of the provisions of subsection f. of this  
9 section.<sup>1</sup>

10 (cf: P.L.2015, c.10, s.2)

11

12 3. This act shall take effect immediately.