

COMMITTEE SUBSTITUTE

FOR

H. B. 2237

(BY DELEGATE STAGGERS)

(Originating in the Committee on the Judiciary)

[March 21, 2013]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2 and §16-5X-3, all relating to emergency aid medication for patients prescribed opiates or receiving treatment for addiction; establishing a short title; establishing objectives and a purpose; defining terms; establishing the responsibilities of licensed prescribers; and, providing for education of patient, family or caregivers.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5X-1, §16-5X-2 and §16-5X-3, all to read as follows:

**ARTICLE 5X. OFFER OF EMERGENCY AID MEDICATION TO PATIENTS
PRESCRIBED OPIATES.**

§16-5X-1. Short title.

- 1 This article shall be known and may be cited as the “Offer of
- 2 Emergency Aid Medication to Patients Prescribed Opiates”.

§16-5X-2. Definitions.

- 1 As used in this article:
- 2 (1) “Opiates” or “opioid drugs” means drugs which are
- 3 members of the natural and synthetic opium family, including
- 4 but not limited to, heroin, morphine, codeine, methadone,
- 5 oxycodone, hydrocodone, fentanyl, and hydromorphone.
- 6 (2) “Prescriber” means an individual currently licensed and
- 7 authorized by law to prescribe drugs or drug therapy devices, in
- 8 the course of their professional practice. These include but are
- 9 not limited to, allopathic and osteopathic physicians, physician
- 10 assistants or osteopathic physician assistants who hold a

11 certificate to prescribe drugs, advanced nurse practitioners who
12 hold a certificate to prescribe drugs, optometrists, podiatrists,
13 and others as allowed by law.

14 (3) “Naloxone” means naloxone hydrochloride, an opioid
15 antagonist, also known as “Narcan”, approved by the federal
16 Food and Drug Administration for the treatment of an opiate or
17 opioid drug overdose by intranasal administration.

18 (4) “Necessary education and information” means educating
19 and training individuals to prevent, recognize and respond to
20 opiate overdose, and that provides at a minimum training in:

21 (A) The cause of opiate overdose;

22 (B) How to recognize the symptoms of an opiate overdose;

23 (C) How and when to contact appropriate emergency
24 medical services; and

25 (D) How to administer an opioid antagonist.

26 (4) “Opioid antagonist” means a federal Food and Drug
27 Administration approved drug that, when administered, negates
28 or neutralizes in whole or in part the pharmacological effects of
29 an opioid in the body. The opioid antagonist is limited to
30 Naloxone or other medications approved for this purpose.

§16-5X-3. Purpose and objectives.

1 (a) The purpose of this article is to prevent deaths in
2 circumstances involving patients who have accidentally overdosed
3 on prescribed opioid medications.

4 (b) By offering the drug Naloxone to patients who are
5 prescribed opiates, the medication can be made available to
6 patients, their families, or caregivers who are often
7 circumstantially best equipped to serve as first responders, in the
8 event of an accidental overdose.

9 (C) Prescribers may offer a prescription for Naloxone, a drug
10 that reverses the effects of opiate overdose, to patients who are
11 prescribed opiates for chronic pain or as part of a methadone or
12 suboxone treatment program.

13 (d) Prescribers are required to make available or provide
14 patients, their families, or caregivers with the necessary
15 education and information regarding the proper use of Naloxone.

§16-5X-4. Prescriber responsibility.

1 (a) All prescribers in the course of their professional practice
2 may offer to patients, to whom they also prescribe opiates for

3 chronic pain or, patients engaged in methadone or suboxone
4 treatment programs, a prescription for the drug Naloxone.

5 (b) All prescribers who may offer the prescription drug
6 Naloxone to their patients under this section shall make
7 information and education available to patients, their family
8 members, or caregivers on the beneficial and proper use of
9 Naloxone.

10 (c) When a prescription is written to the patient for
11 Naloxone, or the patient enters a methadone or suboxone
12 addiction treatment program, the education component of this
13 subsection, offered to the patient, his or her family or caregiver,
14 is required as a condition of obtaining the prescription or
15 entering the addiction treatment program.

This article is new; therefore, it has been completely underscored.

