

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

### Originating

## House Bill 4102

BY ROHRBACH, KESSINGER, ROBINSON, WALKER,  
BARTLETT, ELLINGTON, HANNA, HORNBUCKLE, D. KELLY,  
MANDT, AND PUSHKIN

[Originating in the Committee on Prevention &  
Treatment of Substance Abuse; Reported on January  
9, 2020]

A BILL to amend and reenact §16-46-3 of the Code of West Virginia, 1931, as amended, relating to opioid antagonists.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 46. ACCESS TO OPIOID ANTAGONISTS ACT.**

**§16-46-3. Licensed health care providers may prescribe opioid antagonists to initial responders and certain individuals; required educational materials; limited liability.**

1       ~~(a) All licensed health care providers in the course of their professional practice may offer~~  
2 ~~to initial responders a prescription for opioid antagonists, including a standing order, to be used~~  
3 ~~during the course of their professional duties as initial responders.~~

4       ~~(b) All licensed health care providers in the course of their professional practice may offer~~  
5 ~~to a person considered by the licensed health care provider to be at risk of experiencing an opiate-~~  
6 ~~related overdose, or to a relative, friend, caregiver or person in a position to assist a person at~~  
7 ~~risk of experiencing an opiate-related overdose, a prescription for an opioid antagonist.~~

8       ~~(c) All licensed health care providers who prescribe an opioid antagonist under this section~~  
9 ~~shall provide educational materials to any person or entity receiving such a prescription on opiate-~~  
10 ~~related overdose prevention and treatment programs, as well as materials on administering the~~  
11 ~~prescribed opioid antagonist.~~

12       (a) The following individuals may prescribe an opioid antagonist in the manner prescribed  
13 by this subsection:

14       (1) A licensed health care provider acting in good faith and exercising good reasonable  
15 care may directly or by standing order prescribe an opioid antagonist to

16       (A) A person at risk of experiencing an opioid-related overdose or

17       (B) A family member, friend, or other person in a position to assist a person at risk of  
18 experiencing an opioid-related overdose.

19       (2) A licensed health care provider acting in good faith and exercising reasonable care  
20 may directly or by standing order prescribe an opioid antagonist to any governmental or non-

21 governmental organization, including a local health department, a law enforcement agency, or an  
22 organization that promotes scientifically proven ways of mitigating health risks associated with  
23 substance use disorders and other high risk behaviors, for the purpose of distributing, through its  
24 agents, the opioid antagonist, to:

25 (A) A person at risk of experiencing an opioid-related overdose or

26 (B) a family member, friend, or other person in a position to assist a person at risk of  
27 experiencing an opioid-related overdose.

28 (b) A pharmacist may dispense an opioid antagonist to a person or organization pursuant  
29 to a prescription issued in accordance with subsection (a) of this section.

30 (c) (1) A governmental or nongovernmental organization, including health department, a  
31 law enforcement agency, or organization that promotes scientifically proven ways to mitigate  
32 health risks associated with substance use disorders and other high-risk behaviors may, through  
33 its trained agents, distribute an opioid antagonist obtained pursuant to a prescription issued in  
34 accordance with this section to:

35 (A) a person at risk of experiencing an opioid-related overdose or

36 (B) A family member, friend, or other person in a position to assist a person at risk of  
37 experiencing an opioid-related overdose.

38 (2) An organization, through its trained agents, shall include with any distribution of an  
39 opioid antagonist pursuant to this subsection required education including opioid-related  
40 overdose prevention and treatment programs and instruction on how to administer the opioid  
41 antagonist.

42 (d) A person who receives and an opioid antagonist that was prescribed pursuant to  
43 subsection (a) or distributed pursuant to subsection (c) may administer an opioid antagonist to  
44 another person if:

45 (1) The person has a good faith belief that the other person is experiencing a drug-related  
46 overdose; and

- 47           (2) The person exercises reasonable care in administering the drug to another person.
- 48           (e) An individual acting in good faith under the provisions of this section are immune from
- 49 civil or criminal liability.
- 50           (f) A person may possess an opioid antagonist, regardless of whether the person holds a
- 51 prescription for the opioid antagonist.

NOTE: The purpose of this bill is to update and clarify who may prescribe, dispense, obtain and possess an opioid antagonist.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.