

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1562

5 By: Representatives Schulz, L. Johnson, J. Mayberry
6 By: Senator Gilmore
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE NALOXONE ACCESS ACT; TO INCREASE
10 AVAILABILITY AND ACCESSIBILITY OF AN OPIOID
11 ANTAGONIST; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO AMEND THE NALOXONE ACCESS ACT; TO
16 INCREASE AVAILABILITY AND ACCESSIBILITY
17 OF AN OPIOID ANTAGONIST; AND TO DECLARE
18 AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

25 (a) The General Assembly finds that:

26 (1) As a result of the continued consequences of the opioid
27 crisis affecting our nation, an opioid public health emergency has been in
28 effect since October 26, 2017;

29 (2) Despite efforts since that time, annual overdose deaths
30 reached record levels during the coronavirus 2019 (COVID-19) pandemic;

31 (3) Opioid antagonists can be safely administered to prevent
32 overdose-related injuries not only by health care professionals but also by
33 lay people who witness an overdose; and

34 (4) While this state has enacted laws expanding access to opioid
35 antagonists, more can be done to increase availability and accessibility.

36 (b) It is the intent of the General Assembly to ensure that opioid



1 antagonists are more widely available and accessible to people at risk of
 2 experiencing or witnessing an overdose.

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 4 SECTION 2. Arkansas Code § 20-13-1804 is amended to read as follows:
 5 20-13-1804. Opioid antagonist – Immunity.

6 (a) A healthcare professional acting in good faith may directly or by
 7 standing order prescribe, ~~and dispense, and supply~~ an opioid antagonist to:

8 (1) A person at risk of experiencing an opioid-related drug
 9 overdose;

10 (2) ~~A pain management clinic~~ A family member, friend, or other
 11 individual in a position to assist an individual at risk of experiencing an
 12 opioid-related overdose;

13 (3) ~~A harm reduction organization~~ An individual who is employed
 14 or contracted by a public or private organization, including without
 15 limitation:

16 (A) A state, municipal, or county entity;

17 (B) A hospital or clinic;

18 (C) A law enforcement agency;

19 (D) A harm reduction organization;

20 (E) A shelter or homeless services organization;

21 (F) An educational institution;

22 (G) A building manager; or

23 (H) A pain management center;

24 (4) An emergency medical services technician;

25 (5) A first responder;

26 (6) A law enforcement officer ~~or agency;~~ or

27 (7) An employee of the State Crime Laboratory; ~~or~~

28 ~~(8) A family member or friend of a person at risk of~~
 29 ~~experiencing an opioid-related drug overdose.~~

30 (b) Notwithstanding any other law, an individual that has been
 31 prescribed, dispensed, or supplied with an opioid antagonist under subsection
 32 (a) of this section:

33 (1) Shall follow manufacturer instructions for storage,
 34 replacement, and disposal of the opioid antagonist; and

35 (2) May provide the opioid antagonist, directly or indirectly,
 36 and at no cost, to a person described in subdivision (a)(1) or (2) of this

1 section.

2 (c) If an individual listed in subsection (a) of this section does not
 3 have access to a healthcare practitioner to issue a standing order for a
 4 prescription for an opioid antagonist, then the Secretary of the Department
 5 of Health, or his or her designee who is otherwise authorized to prescribe an
 6 opioid antagonist, may issue a standing order for an individual to act under
 7 subsection (b) of this section.

8 ~~(b)(d)~~ A person acting in good faith who reasonably believes that
 9 another person is experiencing an opioid-related drug overdose may administer
 10 an opioid antagonist that was prescribed, ~~and~~ dispensed, or supplied under
 11 section (a) of this section.

12 ~~(e)~~(e) The following individuals are immune from civil liability,
 13 criminal liability, or professional sanctions for administering, prescribing,
 14 ~~or~~ dispensing, or supplying an opioid antagonist under this section:

15 (1) A healthcare professional who prescribes an opioid
 16 antagonist under subsection (a) of this section;

17 (2) A healthcare professional or pharmacist who acts in good
 18 faith and in compliance with the standard of care that dispenses or supplies
 19 an opioid antagonist under subsection (a) of this section; and

20 (3) A person other than a healthcare professional who
 21 administers an opioid antagonist under subsection ~~(b)~~ (d) of this section or
 22 who is supplied with an opioid antagonist under subsection (a) of this
 23 section.

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 25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 26 General Assembly of the State of Arkansas that the ability to supply naloxone
 27 to an individual at risk of an overdose, or the friends or family of an
 28 individual at risk of an overdose, is restricted under current state law;
 29 that nearly every witnessed opioid overdose is reversible with the timely
 30 administration of an opioid antagonist; that this act would make opioid
 31 antagonists more widely distributed and available save countless lives by
 32 reversing potential overdoses; and that this act is immediately necessary to
 33 save the lives of individuals at risk of an overdose that could be reversed
 34 by an opioid antagonist. Therefore, an emergency is declared to exist, and
 35 this act being immediately necessary for the preservation of the public
 36 peace, health, and safety shall become effective on:

