

By: Representative Mims

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 692
(As Sent to Governor)

1 AN ACT TO BE KNOWN AS THE EMERGENCY RESPONSE AND OVERDOSE
2 PREVENTION ACT; TO AUTHORIZE PHYSICIANS AND CERTAIN OTHER LICENSED
3 HEALTH CARE PROVIDERS ACTING IN GOOD FAITH AND IN COMPLIANCE WITH
4 THE STANDARD OF CARE APPLICABLE TO THAT PRACTITIONER TO PRESCRIBE
5 AN OPIOID ANTAGONIST TO A PERSON AT RISK OF EXPERIENCING AN
6 OPIOID-RELATED OVERDOSE OR TO OTHER PERSONS IN A POSITION TO
7 ASSIST SUCH PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED
8 OVERDOSE; TO AUTHORIZE PHARMACISTS TO DISPENSE OPIOID ANTAGONISTS
9 UNDER A PRESCRIPTION ISSUED IN ACCORDANCE WITH THIS ACT; TO
10 AUTHORIZE PERSONS ACTING IN GOOD FAITH AND WITH REASONABLE CARE TO
11 ANOTHER PERSON WHOM HE OR SHE BELIEVES TO BE EXPERIENCING AN
12 OPIOID-RELATED OVERDOSE TO ADMINISTER AN OPIOID ANTAGONIST THAT
13 WAS PRESCRIBED IN ACCORDANCE WITH THIS ACT; TO AUTHORIZE EMERGENCY
14 MEDICAL TECHNICIANS TO ADMINISTER AN OPIOID ANTAGONIST AS
15 CLINICALLY INDICATED; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL
16 LIABILITY OR PROFESSIONAL LICENSING SANCTIONS FOR PERSONS WHO TAKE
17 THE ACTIONS AUTHORIZED BY THIS SECTION; TO CREATE NEW SECTION
18 41-29-149.1, MISSISSIPPI CODE OF 1972, TO CREATE THE "MISSISSIPPI
19 MEDICAL EMERGENCY GOOD SAMARITAN ACT" TO PROVIDE IMMUNITY FROM
20 ARREST OR PROSECUTION FOR CERTAIN DRUG VIOLATIONS BY A PERSON
21 SEEKING TREATMENT FOR A DRUG OVERDOSE IF THE EVIDENCE OF THE
22 VIOLATION RESULTS FROM THE MEDICAL TREATMENT OF THE DRUG OVERDOSE;
23 AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

48 (3) A practitioner acting in good faith and in compliance
49 with the standard of care applicable to that practitioner may
50 directly or by standing order prescribe an opioid antagonist to a
51 person at risk of experiencing an opioid-related overdose or to a
52 registered pain management clinic, family member, friend or other



53 person in a position to assist such person at risk of experiencing
54 an opioid-related overdose.

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

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

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

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

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

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



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

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

82 **SECTION 2.** The following shall be codified as Section
83 41-29-149.1, Mississippi Code of 1972:

84 41-29-149.1. (1) This section shall be known as the
85 "Mississippi Medical Emergency Good Samaritan Act."

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

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

96 (b) "Drug violation" means:

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



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

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

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

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

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

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



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

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

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

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

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

141 (iii) Forfeiture of property pursuant to Section
142 41-29-153 or 41-29-176 for a drug violation, except that prima
143 facie contraband shall be subject to forfeiture.

144 (4) Nothing in this section shall be construed:

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



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

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

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

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

