

By: Senator(s) Boyd, McLendon, Parker

To: Drug Policy; Judiciary,
Division A

SENATE BILL NO. 2336
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-29-319, MISSISSIPPI CODE OF 1972,
2 TO DEFINE THE TERMS "ADMINISTER," "DISTRIBUTE," "EDUCATION
3 EMPLOYEE," "POSSESS" AND "STORAGE"; TO AUTHORIZE A PERSON TO
4 ADMINISTER AN OPIOID ANTAGONIST THAT WAS DISTRIBUTED BY AN
5 EDUCATION EMPLOYEE; TO AUTHORIZE AN EDUCATION EMPLOYEE TO STORE,
6 DISTRIBUTE AND ADMINISTER OPIOID ANTAGONISTS; TO AUTHORIZE THE
7 DEPARTMENT OF HEALTH TO DISTRIBUTE OPIOID ANTAGONISTS TO EDUCATION
8 EMPLOYEES UPON A REQUEST MADE IN WRITING; TO AUTHORIZE A PERSON TO
9 STORE AN OPIOID ANTAGONIST THAT IS DISTRIBUTED BY AN EDUCATION
10 EMPLOYEE; TO PROVIDE THAT AN EDUCATION EMPLOYEE SHALL BE IMMUNE
11 FROM CRIMINAL AND CIVIL LIABILITY FOR ACTIONS AUTHORIZED BY THIS
12 ACT; TO PROVIDE THAT A PERSON SHALL BE IMMUNE FROM CRIMINAL AND
13 CIVIL LIABILITY FOR ACTIONS AUTHORIZED BY THIS ACT; AND FOR
14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 41-29-319, Mississippi Code of 1972, is
17 amended as follows:

18 41-29-319. (1) This section shall be known as the
19 "Emergency Response and Overdose Prevention Act."

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

22 (a) "Administer" means the direct application of a drug
23 to the body of an individual by injection, inhalation, ingestion
24 or any other means.



25 (b) "Distribute" means to deliver an opioid antagonist
26 drug or opioid antagonist device by means other than by
27 administering.

28 (c) "Education employee" means an employee of any
29 school district, public charter school, private school, public or
30 private university, community college or junior college.

31 (d) "Possess" means to have physical control or custody
32 of an opioid antagonist.

33 (* * *e) "Practitioner" means a physician licensed to
34 practice medicine in this state or any licensed health care
35 provider who is authorized to prescribe an opioid antagonist.

36 (* * *f) "Opioid antagonist" means any drug that binds
37 to opioid receptors and blocks or inhibits the effects of opioids
38 acting on those receptors and that is approved by the federal Food
39 and Drug Administration for the treatment of an opioid-related
40 overdose.

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



49 (* * *h) "Emergency medical technician" means an
50 individual who possesses a valid emergency medical technician's
51 certificate issued under Section 41-59-33.

52 (i) "Storage" means possession of an opioid antagonist
53 with the intent to distribute or administer the opioid antagonist.

54 (3) (a) A practitioner acting in good faith and in
55 compliance with the standard of care applicable to that
56 practitioner may directly or by standing order prescribe an opioid
57 antagonist to a person at risk of experiencing an opioid-related
58 overdose or to a registered pain management clinic, family member,
59 friend or other person in a position to assist such person at risk
60 of experiencing an opioid-related overdose.

61 (b) A practitioner acting in good faith and in
62 compliance with the standard of care applicable to that
63 practitioner may issue a standing order to one or more individual
64 pharmacies that authorizes the pharmacy to dispense an opioid
65 antagonist to a person at risk of experiencing an opioid-related
66 overdose or to a family member, friend or other person in a
67 position to assist such person at risk of experiencing an
68 opioid-related overdose, without the person to whom the opioid
69 antagonist is dispensed needing to have an individual
70 prescription.

71 (4) A pharmacist acting in good faith and in compliance with
72 the standard of care applicable to pharmacists may dispense opioid
73 antagonists under a prescription or a standing order issued in



74 accordance with subsection (3) of this section. However, before a
75 pharmacist may dispense an opioid antagonist under the authority
76 of subsection (3)(b) of this section, the pharmacist must complete
77 a training program approved by the State Board of Pharmacy on
78 opioid antagonists.

79 (5) (a) A person acting in good faith and with reasonable
80 care to another person whom he or she believes to be experiencing
81 an opioid-related overdose may administer an opioid antagonist
82 that was prescribed or authorized by a standing order in
83 accordance with subsection (3) of this section.

84 (b) A person acting in good faith and with reasonable
85 care to another person whom he or she believes to be experiencing
86 an opioid-related overdose may administer an opioid antagonist
87 that was distributed by an education employee.

88 (6) Emergency medical technicians, firefighters and law
89 enforcement officers acting in good faith shall be authorized and
90 permitted to administer an opioid antagonist as clinically
91 indicated. Failure of an emergency medical technician,
92 firefighter or law enforcement officer to act shall not expose
93 such person to any criminal or civil liability.

94 (7) (a) An education employee may store or distribute an
95 opioid antagonist.

96 (b) An education employee may administer an opioid
97 antagonist to another person if the education employee:



98 (i) In good faith, believes the other person is
99 experiencing a drug overdose; and

100 (ii) Acts with reasonable care in administering
101 the opioid antagonist to the other person.

102 (c) The Department of Health may distribute an opioid
103 antagonist to any education employee upon a request made in
104 writing by the education employee.

105 (d) A person may store an opioid antagonist that is
106 distributed by an education employee.

107 (* * *8) The following individuals are immune from any
108 civil or criminal liability or professional licensing sanctions
109 for the following actions authorized by this section:

110 (a) Any practitioner who prescribes or issues a
111 standing order for an opioid antagonist in accordance with
112 subsection (3) of this section;

113 (b) Any practitioner or pharmacist acting in good faith
114 and in compliance with the standard of care applicable to that
115 practitioner or pharmacist who dispenses an opioid antagonist
116 under a prescription or standing order issued in accordance with
117 subsection (3) of this section;

118 (c) (i) Any person other than a practitioner who
119 administers an opioid antagonist in accordance with subsection (5)
120 of this section; and

121 (ii) Any person other than a practitioner who
122 stores an opioid antagonist distributed by an education employee;



123 (d) Any emergency medical technician, firefighters and
124 law enforcement officers who administers an opioid antagonist in
125 accordance with subsection (6) of this section.

126 (e) Any education employee who stores, distributes or
127 administers an opioid antagonist under subsection (7) of this
128 section.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2023.

