

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1137

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

24 41-29-319. (1) This section shall be known as the
25 "Emergency Response and Overdose Prevention Act."

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

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



31 (b) "Community organization" means an organization
32 aimed at making desired improvements to a community's social
33 health, well-being, and overall functioning. "Community
34 organization" may include organizations that participate in social
35 work, and that are related to the organized development of
36 community social welfare through coordination of public and
37 private agencies. Community organizations may exist in
38 geographically, culturally, spiritually, and digitally bounded
39 communities.

40 (* * *c) "Distribute" means to deliver an opioid
41 antagonist drug or opioid antagonist device by means other than by
42 administering.

43 (* * *d) "Education employee" means an employee of any
44 school district, public charter school, private school, public or
45 private university, community college or junior college.

46 (* * *e) "Possess" means to have physical control or
47 custody of an opioid antagonist.

48 (* * *f) "Practitioner" means a physician licensed to
49 practice medicine in this state or any licensed health care
50 provider who is authorized to prescribe an opioid antagonist.

51 (* * *g) "Opioid antagonist" means any drug that binds
52 to opioid receptors and blocks or inhibits the effects of opioids
53 acting on those receptors and that is approved by the federal Food
54 and Drug Administration for the treatment of an opioid-related
55 overdose.



56 (* * *h) "Opioid-related overdose" means an acute
57 condition, including, but not limited to, extreme physical
58 illness, decreased level of consciousness, respiratory depression,
59 coma, mania or death, resulting from the consumption or use of an
60 opioid or another substance with which an opioid was combined or
61 that a layperson would reasonably believe to be resulting from the
62 consumption or use of an opioid or another substance with which an
63 opioid was combined for which medical assistance is required.

64 (* * *i) "Emergency medical technician" means an
65 individual who possesses a valid emergency medical technician's
66 certificate issued under Section 41-59-33.

67 (* * *j) "Storage" means possession of an opioid
68 antagonist with the intent to distribute or administer the opioid
69 antagonist.

70 (3) (a) A practitioner acting in good faith and in
71 compliance with the standard of care applicable to that
72 practitioner may directly, or by standing order, prescribe an
73 opioid antagonist to a person at risk of experiencing an
74 opioid-related overdose, or to a registered pain management
75 clinic, community organization, family member, friend or other
76 person in a position to assist such person at risk of experiencing
77 an opioid-related overdose.

78 (b) A practitioner acting in good faith and in
79 compliance with the standard of care applicable to that
80 practitioner may issue a standing order to one or more individual



81 pharmacies that authorizes the pharmacy to dispense an opioid
82 antagonist to a person at risk of experiencing an opioid-related
83 overdose or to a community organization, family member, friend or
84 other person in a position to assist such person at risk of
85 experiencing an opioid-related overdose, without the person to
86 whom the opioid antagonist is dispensed needing to have an
87 individual prescription.

88 (4) A pharmacist acting in good faith and in compliance with
89 the standard of care applicable to pharmacists may dispense opioid
90 antagonists under a prescription or a standing order issued in
91 accordance with subsection (3) of this section. However, before a
92 pharmacist may dispense an opioid antagonist under the authority
93 of subsection (3) (b) of this section, the pharmacist must complete
94 a training program approved by the State Board of Pharmacy on
95 opioid antagonists.

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

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



105 (c) A person acting in good faith and with reasonable
106 care to another person whom he or she believes to be experiencing
107 an opioid-related overdose may administer an opioid antagonist
108 that was distributed by a community organization. Failure of a
109 community organization, or a member or personnel of such
110 organization, to act shall not expose such organization, member,
111 or personnel to any criminal or civil liability.

112 (6) Emergency medical technicians, firefighters and law
113 enforcement officers acting in good faith shall be authorized and
114 permitted to administer an opioid antagonist as clinically
115 indicated. Failure of an emergency medical technician,
116 firefighter or law enforcement officer to act shall not expose
117 such person to any criminal or civil liability.

118 (7) (a) An education employee may store or distribute an
119 opioid antagonist.

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

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

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

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



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

131 (8) (a) A community organization may store or distribute an
132 opioid antagonist.

133 (b) A member of a community organization may administer
134 an opioid antagonist to another person if such member:

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

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

139 (c) The Department of Health may distribute an opioid
140 antagonist to any member of a community organization upon a
141 request made in writing by the community organization.

142 (d) A person may store an opioid antagonist that is
143 distributed by a community organization.

144 (e) Failure of a community organization, or a member or
145 personnel of such organization, to act shall not expose such
146 organization, member, or personnel to any criminal or civil
147 liability.

148 (* * *9) The following individuals are immune from any
149 civil or criminal liability or professional licensing sanctions
150 for the following actions authorized by this section:

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



154 (b) Any practitioner or pharmacist acting in good faith
155 and in compliance with the standard of care applicable to that
156 practitioner or pharmacist who dispenses an opioid antagonist
157 under a prescription or standing order issued in accordance with
158 subsection (3) of this section;

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

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

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

167 (e) Any education employee who stores, distributes or
168 administers an opioid antagonist under subsection (7) of this
169 section.

170 **SECTION 2.** Section 73-21-73, Mississippi Code of 1972, is
171 brought forward as follows:

172 73-21-73. As used in this chapter, unless the context
173 requires otherwise:

174 (a) "Administer" means the direct application of a
175 prescription drug pursuant to a lawful order of a practitioner to
176 the body of a patient by injection, inhalation, ingestion or any
177 other means.



178 (b) "Biological product" means the same as that term is
179 defined in 42 USC Section 262.

180 (c) "Board of Pharmacy," "Pharmacy Board," "MSBP" or
181 "board" means the State Board of Pharmacy.

182 (d) "Compounding" means (i) the production,
183 preparation, propagation, conversion or processing of a sterile or
184 nonsterile drug or device either directly or indirectly by
185 extraction from substances of natural origin or independently by
186 means of chemical or biological synthesis or from bulk chemicals
187 or the preparation, mixing, measuring, assembling, packaging or
188 labeling of a drug or device as a result of a practitioner's
189 prescription drug order or initiative based on the
190 practitioner/patient/pharmacist relationship in the course of
191 professional practice, or (ii) for the purpose of, as an incident
192 to, research, teaching or chemical analysis and not for sale or
193 dispensing. Compounding also includes the preparation of drugs or
194 devices in anticipation of prescription drug orders based on
195 routine regularly observed prescribing patterns.

196 (e) "Continuing education unit" means ten (10) clock
197 hours of study or other such activity as may be approved by the
198 board, including, but not limited to, all programs which have been
199 approved by the American Council on Pharmaceutical Education.

200 (f) "Deliver" or "delivery" means the actual,
201 constructive or attempted transfer in any manner of a drug or
202 device from one (1) person to another, whether or not for a



203 consideration, including, but not limited to, delivery by mailing
204 or shipping.

205 (g) "Device" means an instrument, apparatus, implement,
206 machine, contrivance, implant, in vitro reagent or other similar
207 or related article, including any component part or accessory
208 which is required under federal or state law to be prescribed by a
209 practitioner and dispensed by a pharmacist.

210 (h) "Dispense" or "dispensing" means the interpretation
211 of a valid prescription of a practitioner by a pharmacist and the
212 subsequent preparation of the drug or device for administration to
213 or use by a patient or other individual entitled to receive the
214 drug.

215 (i) "Distribute" means the delivery of a drug or device
216 other than by administering or dispensing to persons other than
217 the ultimate consumer.

218 (j) "Drug" means:

219 (i) Articles recognized as drugs in the official
220 United States Pharmacopeia, official National Formulary, official
221 Homeopathic Pharmacopeia, other drug compendium or any supplement
222 to any of them;

223 (ii) Articles intended for use in the diagnosis,
224 cure, mitigation, treatment or prevention of disease in man or
225 other animals;



226 (iii) Articles other than food intended to affect
227 the structure or any function of the body of man or other animals;
228 and

229 (iv) Articles intended for use as a component of
230 any articles specified in subparagraph (i), (ii) or (iii) of this
231 paragraph.

232 (k) "Drugroom" means a business, which does not require
233 the services of a pharmacist, where prescription drugs or
234 prescription devices are bought, sold, maintained or provided to
235 consumers.

236 (l) "Extern" means a student in the professional
237 program of a school of pharmacy accredited by the American Council
238 on Pharmaceutical Education who is making normal progress toward
239 completion of a professional degree in pharmacy.

240 (m) "Foreign pharmacy graduate" means a person whose
241 undergraduate pharmacy degree was conferred by a recognized school
242 of pharmacy outside of the United States, the District of Columbia
243 and Puerto Rico. Recognized schools of pharmacy are those
244 colleges and universities listed in the World Health
245 Organization's World Directory of Schools of Pharmacy, or
246 otherwise approved by the Foreign Pharmacy Graduate Examination
247 Committee (FPGEC) certification program as established by the
248 National Association of Boards of Pharmacy.

249 (n) "Generic equivalent drug product" means a drug
250 product which (i) contains the identical active chemical



251 ingredient of the same strength, quantity and dosage form; (ii) is
252 of the same generic drug name as determined by the United States
253 Adoptive Names and accepted by the United States Food and Drug
254 Administration; and (iii) conforms to such rules and regulations
255 as may be adopted by the board for the protection of the public to
256 assure that such drug product is therapeutically equivalent.

257 (o) "Interchangeable biological product" or "I.B."
258 means a biological product that the federal Food and Drug
259 Administration:

260 (i) Has licensed and determined as meeting the
261 standards for interchangeability under 42 USC Section 262(k)(4);
262 or

263 (ii) Has determined is therapeutically equivalent
264 as set forth in the latest edition of or supplement to the federal
265 Food and Drug Administration's Approved Drug Products with
266 Therapeutic Equivalence Evaluations.

267 (p) "Internet" means collectively the myriad of
268 computer and telecommunications facilities, including equipment
269 and operating software, which comprise the interconnected
270 worldwide network of networks that employ the Transmission Control
271 Protocol/Internet Protocol, or any predecessor or successor
272 protocol to such protocol, to communicate information of all kinds
273 by wire or radio.



274 (q) "Interested directly" means being employed by,
275 having full or partial ownership of, or control of, any facility
276 permitted or licensed by the Mississippi State Board of Pharmacy.

277 (r) "Interested indirectly" means having a spouse who
278 is employed by any facility permitted or licensed by the
279 Mississippi State Board of Pharmacy.

280 (s) "Intern" means a person who has graduated from a
281 school of pharmacy but has not yet become licensed as a
282 pharmacist.

283 (t) "Manufacturer" means a person, business or other
284 entity engaged in the production, preparation, propagation,
285 conversion or processing of a prescription drug or device, if such
286 actions are associated with promotion and marketing of such drugs
287 or devices.

288 (u) "Manufacturer's distributor" means any person or
289 business who is not an employee of a manufacturer, but who
290 distributes sample drugs or devices, as defined under subsection
291 (i) of this section, under contract or business arrangement for a
292 manufacturer to practitioners.

293 (v) "Manufacturing" of prescription products means the
294 production, preparation, propagation, conversion or processing of
295 a drug or device, either directly or indirectly, by extraction
296 from substances from natural origin or independently by means of
297 chemical or biological synthesis, or from bulk chemicals and
298 includes any packaging or repackaging of the substance(s) or



299 labeling or relabeling of its container, if such actions are
300 associated with promotion and marketing of such drug or devices.

301 (w) "Misappropriation of a prescription drug" means to
302 illegally or unlawfully convert a drug, as defined in subsection
303 (i) of this section, to one's own use or to the use of another.

304 (x) "Nonprescription drugs" means nonnarcotic medicines
305 or drugs that may be sold without a prescription and are
306 prepackaged and labeled for use by the consumer in accordance with
307 the requirements of the statutes and regulations of this state and
308 the federal government.

309 (y) "Person" means an individual, corporation,
310 partnership, association or any other legal entity.

311 (z) "Pharmacist" means an individual health care
312 provider licensed by this state to engage in the practice of
313 pharmacy. This recognizes a pharmacist as a learned professional
314 who is authorized to provide patient services.

315 (aa) "Pharmacy" means any location for which a pharmacy
316 permit is required and in which prescription drugs are maintained,
317 compounded and dispensed for patients by a pharmacist. This
318 definition includes any location where pharmacy-related services
319 are provided by a pharmacist.

320 (bb) "Prepackaging" means the act of placing small
321 precounted quantities of drug products in containers suitable for
322 dispensing or administering in anticipation of prescriptions or
323 orders.



324 (cc) "Unlawful or unauthorized possession" means
325 physical holding or control by a pharmacist of a controlled
326 substance outside the usual and lawful course of employment.

327 (dd) "Practice of pharmacy" means a health care service
328 that includes, but is not limited to, the compounding, dispensing,
329 and labeling of drugs or devices; interpreting and evaluating
330 prescriptions; administering and distributing drugs and devices;
331 the compounding, dispensing and labeling of drugs and devices;
332 maintaining prescription drug records; advising and consulting
333 concerning therapeutic values, content, hazards and uses of drugs
334 and devices; initiating or modifying of drug therapy in accordance
335 with written guidelines or protocols previously established and
336 approved by the board; selecting drugs; participating in drug
337 utilization reviews; storing prescription drugs and devices;
338 ordering lab work in accordance with written guidelines or
339 protocols as defined by paragraph (nn) of this section; providing
340 pharmacotherapeutic consultations; supervising supportive
341 personnel and such other acts, services, operations or
342 transactions necessary or incidental to the conduct of the
343 foregoing.

344 (ee) "Practitioner" means a physician, dentist,
345 veterinarian, or other health care provider authorized by law to
346 diagnose and prescribe drugs.

347 (ff) "Prescription" means a written, verbal or
348 electronically transmitted order issued by a practitioner for a



349 drug or device to be dispensed for a patient by a pharmacist.
350 "Prescription" includes a standing order issued by a practitioner
351 to an individual pharmacy that authorizes the pharmacy to dispense
352 an opioid antagonist to certain persons without the person to whom
353 the opioid antagonist is dispensed needing to have an individual
354 prescription, as authorized by Section 41-29-319(3).

355 (gg) "Prescription drug" or "legend drug" means a drug
356 which is required under federal law to be labeled with either of
357 the following statements prior to being dispensed or delivered:

358 (i) "Caution: Federal law prohibits dispensing
359 without prescription," or

360 (ii) "Caution: Federal law restricts this drug to
361 use by or on the order of a licensed veterinarian"; or a drug
362 which is required by any applicable federal or state law or
363 regulation to be dispensed on prescription only or is restricted
364 to use by practitioners only.

365 (hh) "Product selection" means the dispensing of a
366 generic equivalent drug product or an interchangeable biological
367 product in lieu of the drug product ordered by the prescriber.

368 (ii) "Provider" or "primary health care provider"
369 includes a pharmacist who provides health care services within his
370 or her scope of practice pursuant to state law and regulation.

371 (jj) "Registrant" means a pharmacy or other entity
372 which is registered with the Mississippi State Board of Pharmacy
373 to buy, sell or maintain controlled substances.



374 (kk) "Repackager" means a person registered by the
375 federal Food and Drug Administration as a repackager who removes a
376 prescription drug product from its marketed container and places
377 it into another, usually of smaller size, to be distributed to
378 persons other than the consumer.

379 (ll) "Reverse distributor" means a business operator
380 that is responsible for the receipt and appropriate return or
381 disposal of unwanted, unneeded or outdated stocks of controlled or
382 uncontrolled drugs from a pharmacy.

383 (mm) "Supportive personnel" or "pharmacist technician"
384 means those individuals utilized in pharmacies whose
385 responsibilities are to provide nonjudgmental technical services
386 concerned with the preparation and distribution of drugs under the
387 direct supervision and responsibility of a pharmacist.

388 (nn) "Written guideline or protocol" means an agreement
389 in which any practitioner authorized to prescribe drugs delegates
390 to a pharmacist authority to conduct specific prescribing
391 functions in an institutional setting, or with the practitioner's
392 individual patients, provided that a specific protocol agreement
393 between the practitioner and the pharmacist is signed and filed as
394 required by law or by rule or regulation of the board.

395 (oo) "Wholesaler" means a person who buys or otherwise
396 acquires prescription drugs or prescription devices for resale or
397 distribution, or for repackaging for resale or distribution, to
398 persons other than consumers.



399 (pp) "Pharmacy benefit manager" has the same meaning as
400 defined in Section 73-21-153.

401 **SECTION 3.** This act shall take effect and be in force from
402 and after its passage, and shall stand repealed the day before its
403 passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 41-29-319, MISSISSIPPI CODE OF 1972,
2 TO DEFINE THE TERM "COMMUNITY ORGANIZATION"; TO AUTHORIZE A
3 PRACTITIONER ACTING IN GOOD FAITH TO DIRECTLY, OR BY STANDING
4 ORDER, PRESCRIBE AN OPIOID ANTAGONIST TO A COMMUNITY ORGANIZATION;
5 TO AUTHORIZE A PERSON ACTING IN GOOD FAITH AND WITH REASONABLE
6 CARE TO ADMINISTER AN OPIOID ANTAGONIST THAT WAS DISTRIBUTED BY A
7 COMMUNITY ORGANIZATION TO ANOTHER PERSON WHOM HE OR SHE BELIEVES
8 TO BE EXPERIENCING AN OPIOID-RELATED OVERDOSE; TO AUTHORIZE A
9 COMMUNITY ORGANIZATION TO STORE AND DISTRIBUTE AN OPIOID
10 ANTAGONIST; TO AUTHORIZE A MEMBER OF A COMMUNITY ORGANIZATION TO
11 ADMINISTER AN OPIOID ANTAGONIST TO ANOTHER PERSON; TO AUTHORIZE
12 THE DEPARTMENT OF HEALTH TO DISTRIBUTE AN OPIOID ANTAGONIST TO ANY
13 MEMBER OF A COMMUNITY ORGANIZATION UPON A REQUEST MADE IN WRITING
14 BY THE COMMUNITY ORGANIZATION; TO AUTHORIZE A PERSON TO STORE AN
15 OPIOID ANTAGONIST THAT IS DISTRIBUTED BY A COMMUNITY ORGANIZATION;
16 TO PROVIDE CERTAIN CRIMINAL AND CIVIL LIABILITY PROTECTION TO A
17 COMMUNITY ORGANIZATION AND MEMBERS AND PERSONNEL OF SUCH
18 ORGANIZATION; TO BRING FORWARD SECTION 73-21-73, MISSISSIPPI CODE
19 OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
20 PURPOSES.

