

Introduced by Senator Ridley-Thomas

February 23, 2007

An act to add Section 1714.22 to the Civil Code, relating to drug overdose treatment.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as introduced, Ridley-Thomas. Drug overdose treatment: liability.

Existing law authorizes a physician and surgeon to prescribe, dispense, or administer prescription drugs, including prescription controlled substances, to an addict under his or her treatment, as specified. Existing law prohibits, except in the regular practice of his or her profession, any person from knowingly prescribing, administering, dispensing, or furnishing a controlled substance to or for any person who is not under his or her treatment for a pathology or condition other than an addiction to a controlled substance, except as specified.

This bill would provide that any person who, in good faith, believes that another person is experiencing a drug overdose and who acts with reasonable care may administer an opioid antagonist, as defined, to the person experiencing a drug overdose without being subject to civil liability for damages or criminal penalties as a result of that act.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares that
- 2 because drug overdose deaths are preventable, it is therefore an
- 3 appropriate role for the state to do all of the following:

- 1 (a) Seek to prevent the onset of drug use through preventive
- 2 measures.
- 3 (b) Provide cessation treatment for those addicted to drugs.
- 4 (c) Prosecute those who sell controlled substances.
- 5 (d) Seek to prevent needless death and damage caused by drug
- 6 overdose by implementing appropriate crisis interventions when
- 7 these interventions are needed.
- 8 (e) Enact legislation to authorize any county in the state to
- 9 establish standards for approval of any opioid overdose prevention
- 10 program, which may include, but not be limited to, standards for
- 11 program directors, appropriate clinical oversight, training,
- 12 recordkeeping, and reporting.
- 13 (f) Enact legislation to authorize any county that establishes an
- 14 opioid overdose data that reviews overdose death rates and other
- 15 information to ascertain changes in the cause and rates of fatal
- 16 opioid overdoses. It is the intent of the Legislature that the report
- 17 include the following information:
- 18 (1) Information on opioid overdose deaths, including age,
- 19 gender, ethnicity, and geographic location.
- 20 (2) Data on emergency room utilization for the treatment of
- 21 opioid overdose.
- 22 (3) Data on utilization of prehospital services.
- 23 (4) Suggestions improvements in data collection.
- 24 SEC. 2. Section 1714.22 is added to the Civil Code, to read:
- 25 1714.22. Notwithstanding any other provision of law, any
- 26 person who, in good faith, believes that another person is
- 27 experiencing a drug overdose and who acts with reasonable care
- 28 may administer an opioid antagonist to the person experiencing a
- 29 drug overdose without being subject to civil liability for damages
- 30 or criminal penalties as a result of this act. For purposes of this
- 31 section, an opioid antagonist means naloxone hydrochloride or
- 32 any other similarly acting and equally safe drug approved by the
- 33 federal Food and Drug Administration for the treatment of a drug
- 34 overdose.

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