CHAPTER 130

South Carolina Overdose Prevention Act

Editor's Note

Former Chapter 130, titled The South Carolina Seniors' Prescription Drug Program Act, was repealed by 2006 Act No. 233, Section 2, eff February 21, 2006.

Former Section 44‑130‑10 was entitled "Short title" and was derived from 2000 Act No. 387, Part II, Section 47A; 2000 Act No. 406.

Former Section 44‑130‑20 was entitled "Definitions" and was derived from 2000 Act No. 387, Part II, Section 47A; 2000 Act No. 406.

Former Section 44‑130‑30 was entitled "Prescription drug program created" and was derived from 2000 Act No. 387, Part II, Section 47A; 2000 Act No. 406.

Former Section 44‑130‑40 was entitled "Administration of program; what program may include; information from other agencies" and was derived from 2000 Act No. 387, Part II, Section 47A; 2000 Act No. 406.

Former Section 44‑130‑50 was entitled "Eligibility requirements" and was derived from 2000 Act No. 387, Part II, Section 47A. Former Section 44‑130‑60 was entitled "Maintenance of data to evaluate cost effectiveness; semiannual reports" and was derived from 2000 Act No. 387, Part II, Section 47A.

Former Section 44‑130‑70 was entitled "Expansion of program" and was derived from 2000 Act No. 387, Part II, Section 47A.

Former Section 44‑130‑80 was entitled "Program funding" and was derived from 2000 Act No. 387, Part II, Section 47A.

**SECTION 44‑130‑10.** Short title.

This chapter may be cited as the "South Carolina Overdose Prevention Act".

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015.

**SECTION 44‑130‑20.** Definitions.

For purposes of this chapter:

(1) "Caregiver" means a person who is not at risk of an opioid overdose but who, in the judgment of a physician, may be in a position to assist another individual during an overdose and who has received patient overdose information as required by Section 44‑130‑30 on the indications for and administration of an opioid antidote.

(2) "Department" means the Department of Health and Environmental Control.

(3) "Drug overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance or other substance with which a controlled substance was combined and that a layperson would reasonably believe to require medical assistance.

(4) "First responder" means an emergency medical services provider, a law enforcement officer, or a fire department worker directly engaged in examining, treating, or directing persons during an emergency.

(5) "Medical assistance" means professional medical services that are provided to a person experiencing a drug overdose.

(6) "Opioid antidote" means naloxone hydrochloride or other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

(7) "Pharmacist" means an individual licensed pursuant to Chapter 43, Title 40 to engage in the practice of pharmacy.

(8) "Prescriber" means a physician licensed pursuant to Chapter 47, Title 40, an advanced practice registered nurse licensed pursuant to Chapter 33, Title 40 and prescribing in accordance with the requirements of that chapter, and a physician assistant licensed pursuant to Article 7, Chapter 47, Title 40 and prescribing in accordance with the requirements of that article.

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015.

**SECTION 44‑130‑30.** Prescriber may issue written prescription for opioid antidote; overdose information; standing order for first responder; immunity.

(A) A prescriber acting in good faith and exercising reasonable care as a prescriber may issue a written prescription for an opioid antidote to:

(1) a person who is at risk of experiencing an opioid‑related overdose; or

(2) a caregiver for a person who is at risk of experiencing an opioid overdose whom the prescriber has not personally examined.

(B)(1) The prescriber must provide to the person or the caregiver overdose information addressing the following:

(a) opioid overdose prevention and recognition;

(b) opioid antidote dosage and administration;

(c) the importance of calling 911 emergency telephone service for medical assistance with an opioid overdose; and

(d) care for an overdose victim after administration of the opioid antidote.

(2) The prescriber must document in the medical record that the opioid overdose information required by this subsection has been provided to the person or the caregiver.

(C) A prescriber acting in good faith and exercising reasonable care may issue a standing order for a first responder to possess an opioid antidote for administration to a person whom the first responder believes to be experiencing an opioid‑related overdose.

(D) A prescriber who issues a written prescription or a standing order for an opioid antidote in accordance with the provisions of this section is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action.

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015.

**SECTION 44‑130‑40.** Pharmacist may dispense opioid antidote; written joint protocol; immunity; report on cannabis issues.

(A) A pharmacist acting in good faith and exercising reasonable care as a pharmacist may dispense an opioid antidote pursuant to a written prescription or standing order by a prescriber.

(B)(1) A pharmacist acting in good faith and exercising reasonable care as a pharmacist may dispense an opioid antidote pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.

(2) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense an opioid antidote without a patient‑specific written order or prescription to a person at risk of experiencing an opioid‑related overdose or to a caregiver of such a person.

(3) The protocol must address, at a minimum, the following:

(a) the information that the pharmacist must provide to a person at risk or to a caregiver including, but not limited to, the information required by Section 44‑130‑30(B)(1);

(b) the documentation that the pharmacist must maintain regarding the dispensing of the opioid antidote and confirming that the required information was provided to the person at risk or to the caregiver;

(c) notification of the person's designated physician or primary care provider that an opioid antidote has been dispensed to that person;

(d) any education or training requirements that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary for a pharmacist to dispense an opioid antidote pursuant to the joint protocol;

(e) guidelines for determining whether an individual is in a position to assist another individual during an overdose and thus may function as a caregiver; and

(f) any other provisions determined by the Board of the Medical Examiners and the Board of Pharmacy to be necessary or appropriate for inclusion in the protocol, including any reporting requirements.

(4) A pharmacist may not delegate the dispensing of an opioid antidote pursuant to this subsection to a pharmacy intern or a pharmacy technician.

(5)(a) All records required by this subsection must be maintained in the pharmacy for a period of at least ten years from the date that the opioid antidote was last dispensed.

(b) All documentation, records, and copies required by this subsection may be stored electronically.

(6) A pharmacist dispensing an opioid antidote pursuant to this subsection must maintain a current copy of the protocol at the pharmacy where the opioid antidote is dispensed.

(7) The Board of Medical Examiners and the Board of Pharmacy may appoint an advisory committee of healthcare professionals licensed in this State to advise and assist in the development of the joint protocol for their consideration.

(8) For purposes of this subsection, "caregiver" means a person who is not at risk of an opioid overdose but who, in the judgment of the pharmacist, may be in a position to assist another individual during an overdose and who has received patient overdose information as required by the joint protocol.

(C) A pharmacist dispensing an opioid antidote in accordance with the provisions of this section is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action.

(D) The Veterans Equal Access Amendment to the Military Construction and Veterans Affairs Appropriations passed by the United States Congress provides that: "Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall authorize physicians and other health care providers employed by the Department of Veterans Affairs to provide recommendations and opinions to veterans who are residents of states with state marijuana programs regarding the participation of veterans in such state marijuana programs." The Department of Health and Environmental Control is directed to study: (1) the possibility that a person experiencing an opioid‑related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs' physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015; 2016 Act No. 247 (H.5193), Section 1, eff June 5, 2016.

Effect of Amendment

2016 Act No. 247, Section 1, added (B) and (D), and redesignated former (B) as (C).

**SECTION 44‑130‑50.** Caregiver may administer opioid antidote; immunity.

(A) A caregiver may in an emergency administer, without fee, an opioid antidote to a person whom the caregiver believes in good faith is experiencing an opioid overdose if the caregiver has received the opioid overdose information provided for in Section 44‑130‑30.

(B) A caregiver who administers an opioid antidote in accordance with the provisions of this section is not subject to civil or criminal liability.

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015.

**SECTION 44‑130‑60.** First responder may administer opioid antidote; immunity.

(A) A first responder may administer an opioid antidote in an emergency if the first responder believes in good faith that the person is experiencing an opioid overdose.

(B) The first responder must comply with all applicable requirements for possession, administration, and disposal of the opioid antidote and administration device. The department may promulgate regulations to implement this section, including appropriate training for first responders who carry or have access to an opioid antidote.

(C) A first responder who administers an opioid antidote in accordance with the provisions of this section to a person whom the first responder believes in good faith is experiencing an opioid overdose is not by an act or omission subject to civil or criminal liability or to professional disciplinary action.

HISTORY: 2015 Act No. 54 (H.3083), Section 1, eff June 3, 2015.