COMMITTEE REPORT

April 20, 2021

**S. 571**

Introduced by Senators Shealy, Hutto and Senn

S. Printed 4/20/21--H.

Read the first time March 11, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 571) to amend Article 3, Chapter 53, Title 44 of the 1976 Code, relating to narcotics and controlled substances, by adding Section 44‑53‑361, to require, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires prescribers to offer a prescription for naloxone hydrochloride or a similar drug for the complete or partial reversal of opioid depression if certain conditions exist. The bill adds requirements for the prescribing physician to provide education to patients. Any prescriber who fails to provide this education to a patient may be subject to discipline by the appropriate licensing board.

**Department of Health and Environmental Control.** Naloxone hydrochloride is a Schedule IV drug, which is monitored as part of DHEC’s prescription monitoring program. This bill does not materially alter the oversight or regulatory duties of DHEC. Therefore, this bill will have no expenditure impact on the agency.

**Department of Labor, Licensing and Regulation.** The licensing boards for prescribers are under the regulation of LLR. This bill does not materially alter the oversight or regulatory duties of the boards. Therefore, this bill will have no expenditure impact on LLR.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND ARTICLE 3, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO NARCOTICS AND CONTROLLED SUBSTANCES, BY ADDING SECTION 44‑53‑361, TO REQUIRE PRESCRIBERS TO OFFER A PRESCRIPTION FOR NALOXONE TO A PATIENT UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑361. (A) A prescriber shall:

(1) offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient if one or more of the following conditions are present:

(a) the prescription dosage for the patient is fifty or more morphine milligram equivalents of an opioid medication per day;

(b) an opioid medication is prescribed concurrently with a prescription for benzodiazepine; or

(c) the patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant;

(2) consistent with the existing standard of care, provide education to patients receiving a prescription pursuant to item (1) on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression; and

(3) consistent with the existing standard of care, provide education on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to one or more persons designated by the patient or, for a patient who is a minor, to the patient’s parent or guardian.

(B) A prescriber who fails to offer a prescription, as required by subsection (A)(1), or fails to provide the education and use information required by subsections (A)(2) and (3) may be subject to discipline by the appropriate licensing board. This section does not create a private right of action against a prescriber and does not limit a prescriber’s liability for negligent failure to diagnose or treat a patient.”

SECTION 2. This act takes effect ninety days after approval by the Governor.

‑‑‑‑XX‑‑‑‑