

House File 115 - Introduced

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BY ISENHART, BROWN-POWERS,
ABDUL-SAMAD, and FORBES

A BILL FOR

1 An Act relating to drug overdose prevention, including by
2 limiting criminal and civil liability, and modifying
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 124.417 **Persons seeking medical**
2 **assistance for drug-related overdose.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Drug-related overdose*" means a condition of a person for
6 which each of the following is true:

7 (1) The person is in need of medical assistance.

8 (2) The person displays symptoms including but not limited
9 to extreme physical illness, pinpoint pupils, decreased level
10 of consciousness including coma, or respiratory depression.

11 (3) The person's condition is the result of, or a prudent
12 layperson would reasonably believe such condition to be the
13 result of, the consumption or use of a controlled substance.

14 b. "*Overdose patient*" means a person who is, or would
15 reasonably be perceived to be, suffering a drug-related
16 overdose.

17 c. "*Overdose reporter*" means a person who seeks medical
18 assistance for an overdose patient.

19 d. "*Protected information*" means information or evidence
20 collected or derived as a result of any of the following:

21 (1) An overdose patient's good-faith actions to seek
22 medical assistance while experiencing a drug-related overdose.

23 (2) An overdose reporter's good-faith actions to seek
24 medical assistance for an overdose patient experiencing a
25 drug-related overdose if all of the following are true:

26 (a) The overdose patient is in need of medical assistance
27 for an immediate health or safety concern.

28 (b) The overdose reporter is the first person to seek
29 medical assistance for the overdose patient.

30 (c) The overdose reporter provides the overdose reporter's
31 name and contact information to medical or law enforcement
32 personnel.

33 (d) The overdose reporter remains on the scene until
34 assistance arrives or is provided.

35 (e) The overdose reporter cooperates with medical and law

1 enforcement personnel.

2 2. Protected information shall not be considered to support
3 probable cause and shall not be admissible as evidence against
4 an overdose patient or overdose reporter for any of the
5 following offenses:

6 a. Violation of section 124.401, subsection 1, paragraph "c"
7 or "d".

8 b. Violation of section 124.407.

9 c. Violation of section 124.414.

10 3. a. Protected information may be considered with regard
11 to the proposed revocation of a person's pretrial release,
12 probation, supervised release, or parole.

13 b. A person's status as an overdose reporter may be
14 considered as a mitigating factor with regard to the proposed
15 revocation of a person's pretrial release, probation,
16 supervised release, or parole.

17 4. Notwithstanding any other provision of law to the
18 contrary, a court may consider the act of providing first aid
19 or other medical assistance to someone who is experiencing a
20 drug-related overdose as a mitigating factor in a criminal
21 prosecution.

22 5. This section shall not be construed to limit the use or
23 admissibility of any evidence in a criminal case other than as
24 provided in subsection 2.

25 Sec. 2. Section 135.190, subsection 2, paragraph a, Code
26 2017, is amended to read as follows:

27 a. Notwithstanding any other provision of law to the
28 contrary, a licensed health care professional may, directly or
29 by standing order, prescribe an opioid antagonist to a person
30 in a position to assist.

31 Sec. 3. Section 135.190, subsections 3 and 4, Code 2017, are
32 amended to read as follows:

33 3. A person in a position to assist may possess, with or
34 without a prescription, and provide or administer an opioid
35 antagonist to an individual if the person in a position

1 to assist reasonably and in good faith believes that such
2 individual is experiencing an opioid-related overdose.

3 4. A person in a position to assist, ~~or~~ a prescriber, or
4 a dispenser of an opioid antagonist who has acted reasonably
5 and in good faith shall not be subject to any professional
6 disciplinary action or be criminally or civilly liable for
7 any injury arising from the provision, administration, or
8 assistance in the administration of an opioid antagonist as
9 provided in [this section](#).

10 Sec. 4. Section 147A.18, subsection 1, paragraph a, Code
11 2017, is amended to read as follows:

12 a. Notwithstanding any other provision of law to the
13 contrary, a licensed health care professional may, directly
14 or by standing order, prescribe an opioid antagonist in the
15 name of a service program, law enforcement agency, or fire
16 department to be maintained for use as provided in this
17 section.

18 Sec. 5. Section 147A.18, subsections 3 and 4, Code 2017, are
19 amended to read as follows:

20 3. A first responder employed by a service program, law
21 enforcement agency, or fire department that maintains a supply
22 of opioid antagonists pursuant to [this section](#) may possess,
23 with or without a prescription, and provide or administer such
24 an opioid antagonist to an individual if the first responder
25 reasonably and in good faith believes that such individual is
26 experiencing an opioid-related overdose.

27 4. The following persons, provided they have acted
28 reasonably and in good faith, shall not be subject to
29 any professional disciplinary action or be criminally or
30 civilly liable for any injury arising from the provision,
31 administration, or assistance in the administration of an
32 opioid antagonist as provided in [this section](#):

33 a. A first responder who provides, administers, or assists
34 in the administration of an opioid antagonist to an individual
35 as provided in [this section](#).

1 in a criminal prosecution.

2 Under current law, a licensed health care professional may
3 prescribe an opioid antagonist to a person in a position to
4 assist a drug overdose victim or in the name of an ambulance
5 service program, law enforcement agency, or fire department.
6 The bill specifies that such a prescription may be made
7 directly or by standing order.

8 Under current law, a person in a position to assist or a
9 first responder employed by an ambulance service program, law
10 enforcement agency, or fire department that maintains a supply
11 of opioid antagonists may possess an opioid antagonist. The
12 bill specifies that a person in a position to assist or a first
13 responder may possess an opioid antagonist even if such a
14 person has not been prescribed an opioid antagonist.

15 Under current law, a person in a position to assist, a
16 prescriber of an opioid antagonist, an ambulance service
17 program, law enforcement agency, fire department, or first
18 responder who has acted reasonably and in good faith is
19 not liable for any injury arising from the provision,
20 administration, or assistance in the administration of an
21 opioid antagonist. The bill provides that such immunity is
22 from civil and criminal liability, and that a person shall
23 also not face professional disciplinary action from the
24 provision, administration, or assistance in the administration
25 of an opioid antagonist. The bill extends this immunity to a
26 dispenser of an opioid antagonist.