

**South Carolina General Assembly**  
122nd Session, 2017-2018

**A169, R182, H4600**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Huggins, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Henderson, Hewitt, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater

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Introduced in the House on January 10, 2018

Introduced in the Senate on March 21, 2018

Last Amended on March 20, 2018

Passed by the General Assembly on April 26, 2018

Governor's Action: May 3, 2018, Signed

Summary: Opioid antidote, prescriptions to community organizations

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
1/10/2018	House	Introduced and read first time ( <a href="#">House Journal-page 56</a> )
1/10/2018	House	Referred to Committee on <b>Medical, Military, Public and Municipal Affairs</b> ( <a href="#">House Journal-page 56</a> )
3/8/2018	House	Committee report: Favorable with amendment <b>Medical, Military, Public and Municipal Affairs</b> ( <a href="#">House Journal-page 5</a> )
3/20/2018	House	Amended ( <a href="#">House Journal-page 23</a> )
3/20/2018	House	Read second time ( <a href="#">House Journal-page 23</a> )
3/20/2018	House	Roll call Yeas-100 Nays-0 ( <a href="#">House Journal-page 24</a> )
3/21/2018	House	Read third time and sent to Senate ( <a href="#">House Journal-page 8</a> )
3/21/2018	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 5</a> )
3/21/2018	Senate	Referred to Committee on <b>Medical Affairs</b> ( <a href="#">Senate Journal-page 5</a> )
4/19/2018	Senate	Committee report: Favorable <b>Medical Affairs</b> ( <a href="#">Senate Journal-page 10</a> )
4/25/2018	Senate	Read second time ( <a href="#">Senate Journal-page 25</a> )
4/25/2018	Senate	Roll call Ayes-43 Nays-0 ( <a href="#">Senate Journal-page 25</a> )
4/26/2018	Senate	Read third time and enrolled ( <a href="#">Senate Journal-page 17</a> )
5/1/2018		Ratified R 182
5/3/2018		Signed By Governor
5/11/2018		Effective date 05/03/18
5/14/2018		Act No. 169

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**VERSIONS OF THIS BILL**

[1/10/2018](#)

[3/8/2018](#)

[3/20/2018](#)

[4/19/2018](#)

(A169, R182, H4600)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO AUTHORIZE PHARMACISTS TO PRESCRIBE OPIOID ANTIDOTES TO CERTAIN COMMUNITY ORGANIZATIONS TO DISTRIBUTE TO A PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO A CAREGIVER OF SUCH A PERSON; AND TO AMEND SECTION 44-130-20, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA OVERDOSE PREVENTION ACT, SO AS TO ADD A DEFINITION FOR “COMMUNITY DISTRIBUTOR”.**

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

**Overdose Prevention Act, distributor of opioid antidotes by community organizations**

SECTION 1. Chapter 130, Title 44 of the 1976 Code is amended by adding:

“Section 44-130-70. (A) A prescriber acting in good faith and exercising reasonable care may directly or by standing order prescribe an opioid antidote to a community distributor for the purpose of distributing the opioid antidote to:

- (1) a person at risk of experiencing an opiate-related overdose; or
- (2) a caregiver of a person at risk of experiencing an opiate-related overdose.

(B) A pharmacist may dispense an opioid antidote to a community distributor pursuant to a prescription or standing order issued in accordance with this section.

(C)(1) A community distributor acting in good faith may distribute an opioid antidote:

- (a) obtained pursuant to a written prescription or standing order issued in accordance with this section; and
- (b) 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 community distributor to distribute 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, and without the requirement for a pharmacist to dispense the opioid antidote.

(3) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of Health and Environmental Control, a representative of the Department of Alcohol and Other Drug Abuse Services, and health care professionals licensed in the State.

(4) 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 community distributor, may be in a position to assist another individual during an overdose.

(D) A community distributor that distributes 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.”

### **Overdose Prevention Act, definition of community distributor**

SECTION 2. Section 44-130-20 of the 1976 Code is amended to read:

“Section 44-130-20. 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) ‘Community distributor’ means an organization, either public or private, which provides substance use disorder assistance and services, such as counseling, homeless services, advocacy, harm reduction, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid-related overdose.

(3) ‘Department’ means the Department of Health and Environmental Control.

(4) ‘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.

(5) ‘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.

(6) ‘Medical assistance’ means professional medical services that are provided to a person experiencing a drug overdose.

(7) ‘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.

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

(9) ‘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.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 1<sup>st</sup> day of May, 2018.

Approved the 3<sup>rd</sup> day of May, 2018.

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