

April 20, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1447

That the Senate recede from its amendments as printed on pages 1698 and 1699 of the House Journal and pages 1431 and 1432 of the Senate Journal and that Engrossed House Bill No. 1477 be amended as follows:

Page 1, line 4, after "21-10-06" insert "and section 23-01-42"

Page 1, line 5, after "board" insert ", opioid antagonist prescription, distribution, possession, or use,"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Section 23-01-42 of the North Dakota Century Code is amended and reenacted as follows:

23-01-42. Opioid antagonist prescription, distribution, possession, or use - Immunity from liability.

1. As used in this section:
 - a. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
 - b. "Opioid antagonist" means a drug:
 - (1) That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the department of health and human services for the treatment of a drug overdose; and
 - (2) That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense an opioid antagonist, ~~if the health-care professional provides training to:~~
 - a. ~~An individual at risk of experiencing an opioid-related overdose; or~~
 - b. ~~A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.~~
3. ~~An individual acting in good faith may receive or possess an opioid antagonist if that individual is:~~
 - a. ~~An individual at risk of experiencing an opioid-related overdose; or~~
 - b. ~~A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.~~

- ~~4-3.~~ An individual acting in good faith may ~~self-administer an opioid antagonist~~ or administer an opioid antagonist to another individual who the administering individual suspects is at risk of experiencing an opioid overdose.
- ~~5-4.~~ An individual may receive, possess, or administer an opioid antagonist under subsection 3 ~~or~~ 4, regardless of whether the individual is the individual for or to whom the opioid antagonist is prescribed, distributed, or dispensed.
- ~~6-5.~~ An individual who prescribes, distributes, dispenses, receives, possesses, or administers an opioid antagonist as authorized under this section is immune from civil and criminal liability for such action. A health care professional who prescribes, distributes, or dispenses an opioid antagonist as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional. Immunity from liability or discipline under this subsection does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct."

Page 2, line 17, replace "collected" with "recovered"

Page 2, line 18, remove "and the state's political subdivisions"

Page 2, line 19, after the underscored period insert "Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund."

Page 3, after line 17, insert:

"c. The committee shall consider cultural practices and alternative best practice treatment methods when considering and making recommendations to the department under this subsection."

Page 3, line 21, after "2." insert "Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.

3."

Page 3, line 22, after "made" insert "by the department and the political subdivisions"

Page 3, line 26, replace "follow the following formula:" with "include at least twenty percent for opioid use prevention and overdose prevention, including best practices relating to fentanyl drug overdose, and approved use for workforce development."

Page 3, remove lines 27 through 30

Page 4, remove lines 1 and 2

Page 4, after line 4, insert:

"Political subdivisions - Public health units.

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer

the moneys to the public health unit that provides services to that political subdivision.

2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met.
3. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure."

Page 4, remove lines 21 through 30

Renumber accordingly