

Opioid Overdose Protection (Note)

By Debra Miller, CSG Director of Health Policy

Naloxone is a very effective and safe substance to reduce the effects of opioid drug overdose and prevent deaths. Overdose deaths more than doubled between 1999 and 2010. In 2010, deaths from both prescription drug and illicit drug overdoses surpassed traffic accidents as the number one cause of death for persons less than 65 years old. States essentially use two policy options to increase access to naloxone. A small minority of states allow naloxone sales by a pharmacy without a prescription. A majority of states allow pharmacists to dispense naloxone under a standing order from a licensed medical professional.

Allow Dispensing Without a Prescription

Legislation passed in California in 2014 ([AB 1535](#)) authorizes a pharmacist to furnish naloxone hydrochloride without a prescription in accordance with standardized procedures or protocols developed and approved by both the Pharmacy Board and the Medical Board of California, in consultation with specified entities. The bill requires the Pharmacy Board and the Medical Board of California, in developing those procedures and protocols, to include procedures requiring the pharmacist to provide a consultation to educate person to whom the drug is furnished, as specified, and notify the patient's primary care provider of drugs or devices furnished to the patient, as specified. The bill prohibits a pharmacist furnishing naloxone hydrochloride pursuant to its provisions from permitting the person to whom the drug is furnished to waive the consultation described above. The bill requires a pharmacist to complete a training program on the use of opioid antagonists prior to performing this procedure.

California joined five other states in 2014—New Mexico, New York, Rhode Island, Vermont and Washington—that allow dispensing the antidote without a prescription.

In 2015, Kentucky adopted legislation ([SB 192](#)) as part of a broader drug abuse effort that also allows pharmacists to dispense naloxone hydrochloride without a prescription.

Also in 2015, the Ohio governor issued an executive order ([OH 9 2015](#)) to permit the Board of Pharmacy to adopt a specified emergency rule that would allow the adoption of protocols that would permit a pharmacist to dispense naloxone without a prescription.

Allow Pharmacists to Dispense Under a Standing Order

In New York, legislation ([AB 8637](#)) approved in 2014 allows for the prescribing, dispensing and distribution of an opioid antagonist by a non-patient specific order, what is commonly called a standing order. The law also authorizes a recipient of the opioid antagonist to possess, distribute and administer the opioid antagonist. Any recipient of the antidote who is acting reasonably and in good faith is not liable under the new law.

Washington approved similar legislation ([H 1671](#)) in 2015.

Massachusetts allowed pharmacies to dispense under a standing order in a 2012 law.

In September 2015, CVS Health made national news when they announced they would allow their pharmacists to sell naloxone without a prescription in 12 states in addition to Rhode Island and Massachusetts. According to the [Pharmacy Times](#), nine of those 12 states targeted by CVS allowed pharmacists to dispense naloxone under a standing order:

- **Arkansas:** The Naloxone Access Act allows pharmacists acting in good faith to dispense an opioid antagonist in accordance with a protocol specified by a practitioner.
- **Minnesota:** Chapter 232, S.F. No. 1900 includes a Good Samaritan Overdose Prevention section that releases health care professionals from liability if they directly or by standing order dispense naloxone. Physicians can enter into a protocol with pharmacists to prepare valid prescriptions for naloxone, and pharmacists can administer naloxone to patients experiencing an overdose.
- **Mississippi:** The Emergency Response and Overdose Prevention Act states that pharmacists acting in good faith can dispense an opioid antagonist under a prescription by standing order of a physician.
- **Montana:** Allows standing orders.
- **New Jersey:** The Overdose Prevention Act of 2013 gives immunity for pharmacists involved in dispensing naloxone under a standing order.
- **Pennsylvania:** Opioid Overdose Reversal Act 139 allows first responders and law enforcement officers to enter into a written agreement with a certified emergency medical services provider to obtain a supply of naloxone.
- **South Carolina:** The South Carolina Overdose Prevention Act allows pharmacists acting in good faith to dispense opioid antagonists pursuant to a standing order by a prescriber.
- **Tennessee:** Allows standing orders.
- **Wisconsin:** Allows standing orders.

According to the [College of Psychiatric and Neurologic Pharmacists](#), as of June 2015, an additional 18 states to those listed above have legislation that allows pharmacies to sell naloxone under standing orders, for a total of 27 states.

Other State Policies on Naloxone Dispensing

Two states in the CVS news announcement (California allowed dispensing without a prescription under a law passed in 2014), according to the [Pharmacy Times](#), had these laws in place:

- **North Dakota:** Senate Bill 2104 allows the Board of Pharmacy to establish rules for pharmacists to have *limited prescriptive authority* to provide naloxone rescue kits to treat an opioid overdose.
- **Utah:** The Emergency Administration of Opiate Antagonist Act allows the *direct dispensing of an opiate antagonist to someone who is “reasonably believed” to be experiencing an overdose.*