

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

526X0434

HOUSE BILL NO. 1079

Introduced by: Representatives Munsterman, Beal, Brunner, Craig, Langer, Marty, Qualm, Stalzer, and Westra and Senators Tidemann, Holien, Hunhoff (Bernie), Olson, Parsley, Peters, Van Gerpen, and Vehle

1 FOR AN ACT ENTITLED, An Act to permit the prescription and possession of an opioid
2 antagonist in certain instances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 A person who is a family member, friend, or other close third party to a person at risk for
6 an opioid-related drug overdose, or a harm reduction organization, may be prescribed, possess,
7 distribute, or administer an opioid antagonist that is prescribed, dispensed, or distributed by a
8 licensed health care professional directly or by standing order pursuant to this Act.

9 Section 2. That the code be amended by adding a NEW SECTION to read:

10 A licensed health care professional may, directly or by standing order, prescribe an opioid
11 antagonist to a person at risk of experiencing an opioid-related overdose, or prescribe to a family
12 member, friend, or other close third party person the health care practitioner reasonably believes
13 to be in a position to assist a person at risk of experiencing an opioid-related overdose, or to a
14 harm reduction organization.



1 Section 3. That the code be amended by adding a NEW SECTION to read:

2 A health care professional who is authorized to prescribe or dispense an opioid antagonist
3 is not subject to any disciplinary action or civil or criminal liability for the prescribing or
4 dispensing of an opioid antagonist to a person whom the health care professional reasonably
5 believes may be in a position to assist or administer the opioid antagonist to a person at risk for
6 an opioid-related drug overdose.

7 Section 4. That the code be amended by adding a NEW SECTION to read:

8 For the purpose of this Act, any prescription issued pursuant to this Act is deemed to be
9 issued for a legitimate medical purpose in the usual course of professional practice.

10 Section 5. That the code be amended by adding a NEW SECTION to read:

11 The provisions of this Act do not establish a duty or standard of care with respect to the
12 decision of whether to prescribe, dispense, or administer an opioid antagonist.