

Opioid Overdose Reduction Act of 2014, S. 2092:

A Section-by-Section Analysis

Sponsored by Sen. Markey (D-MA), Sen. Ayotte (R-NH), Sen. Rockefeller (D-WV), Sen. Kaine (D-VA)

Section 1: Short Title

This section identifies the bill as the “Opioid Overdose Reduction Act of 2014” (S. 2092).

Section 2: Findings and Purpose

This section lists a series of data findings that Congress has identified about drug overdose. The findings describe the scope of the problem, trends over time, substances most often involved (prescription opioid pain relievers are involved in more than half of cases), expanded use of overdose reversal medications by States and communities, and how potential civil liability concerns may deter individuals from prescribing and administering overdose reversal medications.

The purpose of this bill is to “save the lives of people who intentionally or inadvertently overdose on heroin or other opioids by providing certain protections from civil liability with respect to the emergency administration of opioid overdose drugs.”

Section 3: Definitions

This section defines key terms used throughout the bill such as:

- *Health care professional*: a person licensed by the State to prescribe prescription drugs.
- *Opioid overdose drug*: a drug that reverses (in whole or in part) the effects of an opioid overdose.
- *Opioid overdose program*: a program that is run or funded by a federal, State, or local agency that provides opioid overdose drugs and education to individuals at risk or other individuals in a position to assist an individual at risk of an overdose.

Section 4: Preemption and Election of State Non-Applicability

This section explains that the **bill will preempt State laws** that are inconsistent with the bill, but will not preempt State laws that provide additional protection from liability relating to the administration of opioid overdose drugs. This bill will also not preempt State laws that shield any individual who provides or administers an opioid overdose drug.

The legislation also provides a **mechanism for States to opt out** of these protections. States can opt out by passing stand-alone legislation that exempts them from the provisions of this bill.

Section 5: Limitation on Civil Liability for Health Care Professionals Who Provide Opioid Overdose Drugs

This section provides **civil liability protections for a health care professional who prescribes or provides an opioid overdose drug** to an individual at risk of experiencing an opioid overdose or to a family member, friend, or other individual in a position to assist an individual experiencing an overdose. These health care professionals will not be liable for any harm caused by the use of the opioid overdose drug if the individual who was prescribed or given the drug has been educated about opioid overdose prevention and treatment by the health care professional or as part of an opioid overdose program.

These protections will not apply to a health care professional if the harm was caused by gross negligence or reckless misconduct of the health care professional.

Section 6: Limitation on Civil Liability for Individuals Working for or Volunteering at a State or Local Agency Opioid Overdose Program

This section provides **civil liability protections for individuals who provide an opioid overdose drug**. These individuals will not be liable for harm caused by the emergency administration of an opioid overdose drug by another individual if the individual who provides the drug works for or volunteers at an opioid overdose program and provides the opioid overdose drug as part of the program to an individual authorized by the program to receive the drug.

These protections will not apply to the individual who provides the opioid overdose drug if the harm was caused by gross negligence or reckless misconduct of the individual.

Section 7: Limitation on Civil Liability for Individuals Who Administer Opioid Overdose Drugs

This section provides **civil liability protections for individuals who administer opioid overdose drugs**. These individuals will not be liable for harm caused by the emergency administration of an opioid overdose drug to an individual who has or reasonably appears to have suffered an overdose from an opioid if 1) the individual obtained the drug from a health care professional or as part of an opioid overdose program and 2) the individual was educated by the health care professional or by the opioid overdose program on the proper administration of the opioid antagonist drug.

These protections will not apply to an individual who administers an opioid overdose drug if the harm was caused by gross negligence or reckless misconduct of the individual.