

Liability: Use of Opioid Antagonist

N.D. Cent. Code, 23-01-42

A health care professional can distribute, dispense, or prescribe an opioid antagonist to an individual at risk of experiencing an opioid-related overdose or any person in close contact with an at risk individual and will not be held legally responsible or subject to professional discipline. They can be held legally responsible or professionally disciplined if acting with extreme carelessness or intent to cause harm.

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 state department of health 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. 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. 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. 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.