

Liability: Health Care Provider Administration of Opioid Antagonist

Utah Code Ann. 26-55-104(1)

A health care provider who, in good faith and without prior obligations, administers an opiate antagonist to an individual believed to be experiencing an opiate-related overdose will not be held legally responsible for acting or for failing to act.

Prescribing, dispensing, and administering an opiate antagonist ? Immunity from liability

(1)

(a)

(i) For purposes of Subsection (1)(a)(ii), ?a person other than a health care facility or health care provider?

includes the following, regardless of whether the person has received funds from the department through the Opiate Overdose Outreach Pilot Program created in Section 26-55-107:

(A) a person described in Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F); or

(B) an organization defined by department rule made under Subsection 26-55-107(7)(e) that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event.

(ii) Except as provided in Subsection (1)(b), a person, including an overdose outreach provider, but not including a health care facility or health care provider, that acts in good faith to administer an opiate antagonist to an individual whom the person believes to be experiencing an opiate-related drug overdose event is not liable for any civil damages for acts or omissions made as a result of administering the opiate antagonist.

(b) A health care provider:

(i) does not have immunity from liability under Subsection (1)(a) when the health care provider is acting within the scope of the health care provider's responsibilities or duty of care; and

(ii) does have immunity from liability under Subsection (1)(a) if the health care provider is under no legal duty to respond and otherwise complies with Subsection (1)(a).