**South Carolina General Assembly**

125th Session, 2023-2024

**A78, R95, S407**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy and Senn

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Introduced in the Senate on January 18, 2023

Introduced in the House on March 1, 2023

Last Amended on February 22, 2023

Currently residing in the Senate

Governor's Action: June 19, 2023, Signed

Summary: Narcan OTC

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 Senate Introduced and read first time (Senate Journal‑page 4)

 1/18/2023 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 4)

 2/16/2023 Senate Committee report: Favorable **Medical Affairs** (Senate Journal‑page 8)

 2/22/2023 Senate Amended (Senate Journal‑page 32)

 2/23/2023 Senate Read second time (Senate Journal‑page 14)

 2/23/2023 Senate Roll call Ayes-42 Nays-0 (Senate Journal‑page 14)

 2/28/2023 Senate Read third time and sent to House (Senate Journal‑page 11)

 3/1/2023 House Introduced and read first time (House Journal‑page 49)

 3/1/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 49)

 5/3/2023 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** (House Journal‑page 60)

 5/9/2023 House Debate adjourned (House Journal‑page 21)

 5/10/2023 House Debate adjourned until Thur., 5-11-23 (House Journal‑page 20)

 5/11/2023 House Read second time (House Journal‑page 25)

 5/11/2023 House Roll call Yeas-99 Nays-0 (House Journal‑page 26)

 5/16/2023 House Read third time and returned to Senate with amendments (House Journal‑page 26)

 6/14/2023 Senate Concurred in House amendment and enrolled (Senate Journal‑page 87)

 6/14/2023 Senate Roll call Ayes-36 Nays-0 (Senate Journal‑page 87)

 6/14/2023 Ratified R 95

 6/19/2023 Signed By Governor

 6/26/2023 Effective date 06/19/23

 6/26/2023 Act No. 78

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/407_20230118.docx)

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/407_20230216.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/407_20230222.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/407_20230504.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/407_20230511.docx)

(A78, R95, S407)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑53‑361, RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR OPIOID ANTIDOTES TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE uNITED sTATES Food and drug administration.

Be it enacted by the General Assembly of the State of South Carolina:

Opioid antidotes

SECTION 1. Section 44‑53‑361 of the S.C. Code is amended to read:

 Section 44-53-361. (A) A prescriber shall:

 (1) offer a prescription or provide consistent with the existing standard of care and the FDA for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient if one or more of the following conditions are present:

 (a) the prescription or offer consistent with the existing standard of care and the FDA dosage for the patient is fifty or more morphine milligram equivalents of an opioid medication per day;

 (b) an opioid medication is prescribed or offered consistent with the existing standard of care and the FDA concurrently with a prescription for benzodiazepine; or

 (c) the patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant;

 (2) consistent with the existing standard of care, provide education to patients receiving a prescription pursuant to item (1) on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression; and

 (3) consistent with the existing standard of care, provide education on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to one or more persons designated by the patient or, for a patient who is a minor, to the patient's parent or guardian.

 This subsection does not apply in the following circumstances:

 (a) patients who are receiving care for cancer or a cancer-related condition, patients in hospice, patients receiving palliative care; or

 (b) any other patients who, in the prescriber’s good faith medical judgment, would not benefit from a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid-related respiratory and/or central nervous system depression.

 (B) A prescriber who fails to offer a prescription, as required by subsection (A)(1), or fails to provide the education and use information required by subsections (A)(2) and (3) may be subject to discipline by the appropriate licensing board. This section does not create a private right of action against a prescriber and does not limit a prescriber's liability for negligent failure to diagnose or treat a patient.

 (C) A prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber’s compliance with the provisions of this section.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 14th day of June, 2023.

Approved the 19th day of June, 2023.

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