GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H **D**

HOUSE BILL 287
PROPOSED COMMITTEE SUBSTITUTE H287-PCS40240-BP-4

Short Title: Educate Patients About Opioid Antagonists. (Public)

Sponsors:

Referred to:

March 8, 2023

A BILL TO BE ENTITLED

AN ACT REQUIRING HEALTH CARE PRACTITIONERS AND PHARMACISTS TO EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-12.8. Requirement to provide opioid antagonist education.**

(a) Consistent with the federal Food and Drug Administration's labeling requirements for opioid pain medication and medication to treat opioid use disorder announced in its Drug Safety Communication dated July 23, 2020, a practitioner as defined in G.S. 90-87(22) shall do all of the following when issuing a prescription for a Schedule II controlled substance described in G.S. 90-90(1):

(1) Provide information regarding all of the following to each patient receiving the prescription:

a. The potential dangers of opioids.

b. Overdose prevention.

c. The availability and use of a drug approved by the federal Food and Drug Administration as an opioid antagonist for the complete or partial reversal of opioid-induced respiratory depression.

(2) Provide the information described in sub-subdivisions (1)a. through (1)c. of this subsection to one or more persons if designated by the patient receiving the prescription or, for a patient who is a minor, to the minor's parent, guardian, or person standing in loco parentis.

(b) When dispensing a Schedule II controlled substance described in G.S. 90-90(1), a pharmacy, through a pharmacist or pharmacy personnel, shall do one of the following:

(1) Make available the information described in sub-subdivisions (a)(1)a. through (a)(1)c. of this section that is consistent with the federal Food and Drug Administration's labeling requirements for opioid pain medication and medication to treat opioid use disorder announced in its Drug Safety Communication dated July 23, 2020.

(2) Post signage in a conspicuous place containing the information described in sub-subdivisions (a)(1)a. through (a)(1)c. of this section.

(c) Nothing in this section shall be construed to do any of the following:

(1) Limit a practitioner's liability for negligent diagnosis or treatment of a patient, as allowed under applicable State or federal law.

(2) Constitute negligence per se or create a private right of action against any practitioner, including a pharmacy, a pharmacist, or pharmacy personnel, who fails to follow the requirements of this section.

(d) This section shall not apply to a practitioner providing hospice services as defined in G.S. 131E-201(5b) to a hospice patient as defined in G.S. 131E-201(4)."

SECTION 2. This act becomes effective October 1, 2023.