

BACKGROUND

In 2017, prescription and illicit opioids were involved in [70,237 deaths](#) nationwide. Pennsylvania ranked [third in the nation](#) for highest rates of death due to drug overdoses, with 44.3 deaths per 100,000 persons. West Virginia, Ohio, D.C. and Kentucky joined Pennsylvania in the top five. In response, states have prioritized increasing access to naloxone, a life-saving intervention.

WHAT IS NALOXONE?

Naloxone is a prescription medication that reverses the effects of an opioid overdose within two to five minutes of being administered to an overdose victim. In Pennsylvania, a statewide standing order allows anyone to obtain naloxone without an individual prescription. Pursuant to the standing order, pharmacists may dispense naloxone to anyone without an individual prescription from a medical provider.

HOW IS ACCESS TO NALOXONE REGULATED?

Access to naloxone is federally regulated by the [Comprehensive Addiction and Recovery Act of 2016](#), which calls for federal grants to be awarded to states so they can expand access to and education about naloxone. [Every state](#) has enacted a law regulating access to naloxone. These laws generally address who can prescribe naloxone, who can administer it, who can receive it, and what protections exist for each of these groups. [Forty-three states](#) provide some protections to prescribers, and 41 states address dispensers. Forty-six states provide some type of civil immunity to laypersons who administer naloxone, and 39 states provide some type of criminal immunity. Prescriptions are available to third parties in 49 states, and 48 states authorize a standing order for prescriptions. Fifteen states allow possession of naloxone without a prescription.

HOW DOES PENNSYLVANIA REGULATE NALOXONE?

Pennsylvania's [Drug Overdose Response Immunity Act](#) was passed in 2014. Under this Act, prescribers who prescribe naloxone have immunity from criminal prosecution for prescribing, dispensing, and distributing naloxone to laypersons. Prescribers also have immunity from civil liabilities and from professional sanctions. Naloxone dispensers are granted the same civil and criminal immunities as prescribers. Unlike other states, Pennsylvania's law does not condition criminal or civil immunity on participation in a naloxone administration program, or on the provider acting with reasonable care. Prescriptions for naloxone are authorized to third parties. Laypersons administering naloxone to third parties are granted immunity from both civil and criminal liabilities. However, the immunity is conditional on a showing of reasonable care. Reasonable care is defined as the level of care required to avoid being negligent; that is, preventing the action from "creating an unreasonable risk of harm to another."¹

¹ Restatement (Second) of Torts § 298.