

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 287
Committee Substitute Favorable 3/21/23
Committee Substitute #2 Favorable 4/4/23

Short Title: Educate Patients About Opioid Antagonists.

(Public)

Sponsors:

Referred to:

March 8, 2023

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING HEALTH CARE PRACTITIONERS AND PHARMACISTS TO
3 EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS
4 AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL
5 DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY
6 AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS.

7 The General Assembly of North Carolina enacts:

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

10 "**§ 90-12.8. Requirement to provide opioid antagonist education.**

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

- 16 (1) Provide information regarding all of the following to each patient receiving
17 the prescription:
18 a. The potential dangers of opioids.
19 b. Overdose prevention.
20 c. The availability and use of a drug approved by the federal Food and
21 Drug Administration as an opioid antagonist for the complete or partial
22 reversal of opioid-induced respiratory depression.

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

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

- 29 (1) Make available the information described in sub-subdivisions (a)(1)a. through
30 (a)(1)c. of this section that is consistent with the federal Food and Drug
31 Administration's labeling requirements for opioid pain medication and
32 medication to treat opioid use disorder announced in its Drug Safety
33 Communication dated July 23, 2020.
34 (2) Post signage in a conspicuous place containing the information described in
35 sub-subdivisions (a)(1)a. through (a)(1)c. of this section.



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- 1 (c) Nothing in this section shall be construed to do any of the following:
- 2 (1) Limit a practitioner's liability for negligent diagnosis or treatment of a patient,
- 3 as allowed under applicable State or federal law.
- 4 (2) Constitute negligence per se or create a private right of action against any
- 5 practitioner, including a pharmacy, a pharmacist, or pharmacy personnel, who
- 6 fails to follow the requirements of this section.
- 7 (d) This section shall not apply to the following:
- 8 (1) A practitioner providing hospice services as defined in G.S. 131E-201(5b) to
- 9 a hospice patient as defined in G.S. 131E-201(4).
- 10 (2) A veterinarian acting in the practice of veterinary medicine, as defined in
- 11 G.S. 90-181, at an animal health center, emergency facility, mobile facility,
- 12 veterinary clinic, or veterinary hospital, as defined in G.S. 90-181.1."
- 13 **SECTION 2.** This act becomes effective October 1, 2023.