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AB-1166 Liability for opioid antagonist administration. (2023-2024)

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Assembly Bill No. 1166

CHAPTER 97

An act to add Section 1799.113 to the Health and Safety Code, relating to emergency response.

[Approved by Governor July 21, 2023. Filed with Secretary of State July 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1166, Bains. Liability for opioid antagonist administration.

Existing law provides that a person who, in good faith and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency is not liable for civil damages resulting from an act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct.

This bill would provide that a person who, in good faith and not for compensation, renders emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist, as defined, is not liable for civil damages resulting from an act or omission, except as specified. The bill would also provide that a person who furnishes an opioid antagonist for use at the scene of an opioid overdose or suspected opioid overdose is not liable for civil damages resulting from an act or omission, except as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1799.113 is added to the Health and Safety Code, to read:

1799.113. (a) (1) A person who, in good faith and not for compensation, renders emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission related to the rendering of the emergency treatment.

(2) A person who, in good faith and not for compensation, furnishes an opioid antagonist to a person for use at the scene of an opioid overdose or suspected opioid overdose shall not be liable for civil damages resulting from an act or omission related to the furnishing of the opioid antagonist.

(b) This section does not apply to an act or omission related to the rendering of emergency treatment at the scene of an opioid overdose or suspected opioid overdose by means of an opioid antagonist that constitutes gross negligence or willful or wanton misconduct.

(c) For purposes of this section, both of the following apply:

(1) A person who renders emergency treatment by means of an opioid antagonist, or who furnishes an opioid antagonist at the scene of an opioid overdose or suspected opioid overdose, and who is not compensated for doing so, but receives compensation for other actions as a result of their unrelated employment, is not "rendering emergency medical care or furnishing opioid antagonist for compensation."

(2) "Opioid antagonist" means naloxone hydrochloride or any other opioid antagonist that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.