

OCTOBER 4, 2023

# ADDICTION AND PUBLIC POLICY

2023 STATE LEGISLATIVE ROUNDUP

**O'NEILL  
INSTITUTE**  
FOR NATIONAL & GLOBAL HEALTH LAW  

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GEORGETOWN LAW

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Current as of 10/03/2023

## ADDICTION AND PUBLIC POLICY

### 2023 STATE LEGISLATIVE ROUNDUP

As a leading health policy think tank with both a domestic and international profile, the O'Neill Institute facilitates strategic health partnerships to ensure effective health policies and laws in the United States and around the world.

The Addiction and Public Policy Initiative works at the intersection of public health and the law to advance a public health approach to substance use disorder.

The 2023 legislative sessions have adjourned in 43 states and the District of Columbia. For states still in session, pending legislation is provided.

### SUGGESTED CITATION

Addiction and Public Policy Initiative. (2023). 2023 State Legislation Addiction Policy Update. O'Neill Institute for National and Global Health Law at Georgetown University Law Center.

This year, states across the country passed legislation to address increasing rates of [opioid overdose deaths](#) and improve approaches to substance use disorder. Legislation focusing on oversight of state opioid litigation funds, expanded access to medications for opioid use disorder (MOUD), dissemination and decriminalization of drug paraphernalia, and enhanced fentanyl sentencing all passed this year. Please note that this list is not exhaustive of all addiction related legislation but is a select list of items tracked by The O'Neill Institute.

### ACKNOWLEDGMENTS

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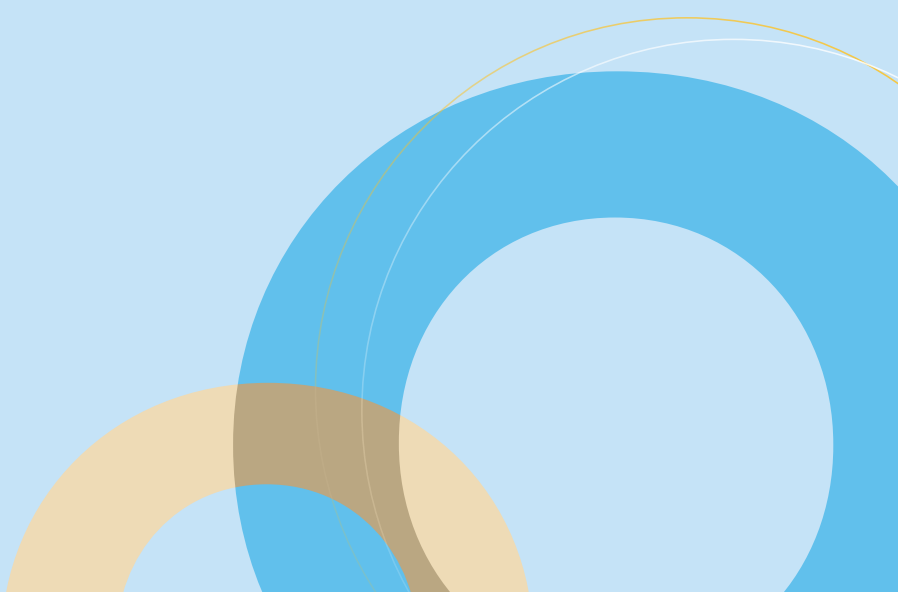
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## ALABAMA

Adjourn Date: 06/26/2023

**HB1** amends Section 13A-12-231, Code of Alabama 1975; to add mandatory minimums for certain felony drug trafficking crimes; to provide for additional penalties for subsequent offenses; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022. This law went into effect on 04/06/2023.

**SB239** repeals the Medication Assisted Treatment of Opioid Use Act of 2019, codified as Sections 20-2-300 through 20-2-302, Code of Alabama 1975, that provide for adoption of rules governing use of buprenorphine in the treatment of opioid addiction and a standing working group to assist in drafting the rules. Since enactment, changes in federal law and policy governing medication-assisted treatment of opioid addiction have created conflicts with the provisions of the MAT Act. This bill would allow for the more expansive federal rules to govern MAT in Alabama. This law went into effect on 05/18/2023.

**HB230** creates the crime of chemical endangerment of a first responder and establishes penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022. This law went into effect on 06/06/2023.



## ALASKA

Adjourn Date: 05/17/2023



## ARIZONA

Adjourn Date: 07/31/2023

**SB1724** relates to opioid litigation proceeds and settlement funds appropriations. This law went into effect on 05/11/2023.



## ARKANSAS

Adjourn Date: 05/01/2023

**HR1048** calls on the United States government to declare fentanyl to be a weapon of mass destruction and to designate the Mexican drug cartels as foreign terrorist organizations. This law went into effect on 03/16/2023.

**HB1456** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 04/11/2023.

**HB1562** amends the naloxone access act; increases availability and accessibility of an opioid antagonist; declares an emergency. This law went into effect on 04/11/2023.

**SB495** categorizes the following as a class A felony: Delivery of fentanyl, Manufacture of fentanyl, Trafficking a controlled substance. A Class A felony in Arkansas carries a minimum sentence of six years with a maximum of 30 years. This law went into effect on 04/11/2023.

**HB1663** creates the offense of knowingly exposing another person to fentanyl. This law went into effect on 04/12/2023.

**HB1514** requires that opioid overdose rescue kits be located on each campus of each public high school and state-supported institution of higher education; provides that the location of each opioid overdose rescue kit required shall be registered with the school nurse and school resource officer. This law went into effect on 04/13/2023.



## CALIFORNIA

Adjourn Date: 09/14/2023

**AB1130** revises and recasts provisions of the California Uniform Controlled Substances Act, among others, to delete the reference to an "addict" and instead replace it with the term "a person with substance use disorder," among other technical non substantive changes. This law went into effect on 06/29/2023.

**SB250** amends Section 11376.5 of, and to add Section 11376.6 to, the Health and Safety Code, relating to controlled substances. This bill would define "seeking medical assistance" for the purposes of the exemption of criminal charges when seeking assistance for substance use-related crises. The bill would also provide that it is not a crime for a person to possess for personal use a controlled substance, controlled substance analog, or drug paraphernalia, if the person

delivers the controlled substance or controlled substance analog to the local public health department or law enforcement and notifies them of the likelihood that other batches of the controlled substance may have been adulterated with other substances, if known. The bill would make the person's identity confidential. This law went into effect on 07/21/2023.

**AB1731** this bill additionally exempts a health care practitioner from the duty to consult the CURES database when the health care practitioner prescribes, orders, administers, or furnishes buprenorphine or other controlled substance containing buprenorphine in the emergency department of a general acute care hospital. This law went into effect on 09/01/2023.



## COLORADO

Adjourn Date: 05/09/2023



## CONNECTICUT

Adjourn Date: 06/07/2023

**HB06914** makes various revisions to the statutes concerning the use of funds in the opioid and tobacco settlement funds and funds received by the state as part of any settlement agreement with a manufacturer of electronic nicotine delivery system and vapor products. This law went into effect on 06/27/2023.

**SB9** establishes a pilot program to implement "harm reduction centers" in three municipalities by 2027. These centers will provide counseling, naloxone education, referrals to substance use treatment, social support services, and access to fentanyl test strips. This law went into effect on 06/28/2023.

**SB52** relates to the sterile needle and syringe exchange program; provides that the program shall provide needles and syringes on an as-needed basis, whereby a participant receives sterile needles and syringes based on need and usage; provides for criminal liability. This law went into effect on 08/09/2023. provide that it is not a crime for a person to possess for personal use a controlled substance, controlled substance analog, or drug paraphernalia, if the person delivers the controlled substance or controlled



## DELAWARE

Adjourn Date: 06/30/2023

**SB189** relates to the Uniform Controlled Substances Act and drug testing strips; provides that a person providing a drug testing strip to an individual must do so in good faith and with reasonable care; provides that except if the person willfully, wantonly, recklessly, or by gross negligence causes injuries or death, a person providing a drug testing strip to an individual is not subject to civil damages exceeding the limit of an applicable insurance policy. This law went into effect on 8/17/2023.



## DISTRICT OF COLUMBIA

Adjourn Date: 01/01/2023



## FLORIDA

Adjourn Date: 05/05/2023

**HB783** establishes Statewide Council on Opioid Abatement within DCF; provides for purpose, membership, organization & support, & duties of the council. This law went into effect on 07/01/2023.

**SB7030** creates the State Opioid Settlement Trust Fund within the Department of Children and Families; providing the purpose of the trust fund; specifying the funding source for the trust fund; providing for the reversion of certain funds to the Department of Financial Services Opioid Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund, etc. This law went into effect on 07/01/2023.

**HB1359** provides criminal penalties & mandatory minimum term of imprisonment if a person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, specified substances or mixtures, & such substance or mixture has at least one specified attribute. This law went into effect on 10/01/2023. substance analog to the local public health department or law enforcement and notifies them of the likelihood that other batches of the controlled substance may have been adulterated with other substances, if known. The bill would make the person's identity confidential. This law went into effect on 07/21/2023.



## GEORGIA

Adjourn Date: 03/29/2023



## HAWAII

Adjourn Date: 05/04/2023

**SB671** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 06/22/2023.



## IDAHO

Adjourn Date: 04/06/2023



## ILLINOIS

Adjourn Date: 05/05/2023

**SB2223** creates the Drug Education and Youth Overdose Prevention Act. It provides that the State Board of Education shall collaborate with the Substance Use Prevention and Recovery Division of the Department of Human Services, the Department of Child and Family Services, the Department of Public Health, and the Illinois Opioid Crisis Response Advisory Council to develop improved K-12 health education standards. It provides that the improved K-12 health education standards shall be comprehensive, reality-based, safety-focused, and evidence-based standards that reduce substance use risk factors and promote protective factors. It provides that the State Board of Education shall update state-mandated K-12 health education standards. Sets forth other requirements for the updated standards. This law went into effect on 07/28/2023.

**HB3924** amends the School Code and the Critical Health Problems and Comprehensive Health Education Act; provides, beginning with the specified school year, that in every State-required health course for specified grades, a school district shall provide instruction, study, and discussion on the dangers of fentanyl; sets forth requirements for the instruction, study, and discussion, and requires students to be assessed on the instruction. This law goes into effect on 01/01/2024.

**HB3428** amends the General Provisions Article of the School Code; provides that if there is a shortage of opioid antagonists, a school district, public school, charter school, or nonpublic school shall make a reasonable effort to maintain a supply of an opioid antagonist; provides that the requirement that a healthcare professional prescribe opioid antagonists

applies only if the school district or school is not able to obtain opioid antagonists without a prescription. This law goes into effect on 01/01/2024.

**HB3613** amends the General Provisions Article of the School Code; relates to provisions concerning medical prescriptions for schools; self-administration and self-carry of asthma medication and epinephrine injectors; administration of undesignated epinephrine injectors; administration of an opioid antagonist; administration of undesignated asthma medication; asthma episode emergency response protocol. This law goes into effect on 01/01/2024.

**HB3203** provides that to further promote harm reduction efforts, a pharmacist or retailer may sell fentanyl test strips over-the-counter to the public to test for the presence of fentanyl, a fentanyl analog, or a drug adulterant within a controlled substance; provides that a county health department may distribute fentanyl test strips at the county health department facility for no fee. This law goes into effect on 01/01/2024.



## INDIANA

Adjourn Date: 04/27/2023

**SB379** adds specified substances to the list of controlled substances. Defines “fentanyl containing substance” and increases the penalty for dealing a drug that is a fentanyl containing substance. This law went into effect on 04/20/2023.



## IOWA

Adjourn Date: 05/04/2023

**HF128** relates to controlled substances, including amending certain controlled substances schedules and precursor substances reporting requirements, making penalties applicable, and including effective date provisions. This law went into effect on 05/03/2023.

**HF595** relates to controlled substances including the manufacture, delivery, or possession of a controlled substance including fentanyl; the manufacture of a controlled substance in the presence of a minor; conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver a controlled substance to a minor; receipt, provision, and administration of opioid antagonists, including by secondary distributors; providing for immunity; and providing penalties. This law went into effect on 07/01/2023.



## KANSAS

Adjourn Date: 04/28/2023

**SB174** increases the criminal penalties for battery of a healthcare provider, adding the placing of controlled substances into pills into the definition of manufacture, increasing the criminal penalties for manufacturing fentanyl and for manufacturing or distributing any controlled substances that are likely to be attractive to minors because of their appearance or packaging, creating a special sentencing rule to make sentences for distributing fentanyl presumptive imprisonment, excluding materials used to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid from the definition of drug paraphernalia, adding domestic battery and violation of a protection order to the crimes that a person can have the intent to commit when committing burglary or aggravated burglary, increasing criminal penalties for the crime of interference with law enforcement when the violation involves fleeing from a law enforcement officer and authorizing the attorney general to prosecute certain crimes that are part of an alleged course of criminal conduct that occurred in two or more counties. The law went into effect on 05/11/2023.



## KENTUCKY

Adjourn Date: 06/08/2023

**HB353** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 03/31/2023.



## LOUISIANA

Adjourn Date: 06/08/2023

**HCR126** expresses the legislature's intent regarding the application of House Bill No. 586 to provide civil litigants who have suffered serious bodily injury or death as a result of the unintended ingestion of illicit fentanyl in this state with the broadest possible basis, consistent with the constitutions of the United States and Louisiana, to seek relief against any entity or foreign state that engages in the trafficking of illicit fentanyl into the United States, by creating a rebuttable presumption of fault of any entity or foreign state if the entity or foreign state is engaging in or facilitating illicit fentanyl trafficking or its related commercial activity having a sufficient nexus or substantial contact with this state at the time of the ingestion resulting in the injury or death or at a time bearing a rational nexus to the ingestion, if supported by credible information or statistical data pertaining thereto, in accordance with this Act, or other evidence satisfactory to the court in an action brought pursuant to this Act. This law went into effect on 06/08/2023.

**HB90** provides relative penalties for distribution or possession with intent to distribute fentanyl or carfentanyl. This law went into effect on 08/01/2023.

**HB586** provides for civil liability for actions related to fentanyl. This law went into effect on 08/01/2023.

**SB49** increases penalties for the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of certain controlled dangerous substances. This law went into effect on 08/01/2023.



## MAINE

Adjourn Date: 03/30/2023

**HB377** expands availability of naloxone hydrochloride; provides that with the express consent of a municipality, an overdose prevention program may provide and maintain naloxone hydrochloride in a wall-mounted box or other visible and accessible container on publicly accessible property of the municipality, including a municipal building, public restroom, public library or public park or recreational facility, for use by a member of the public in response to an opioid-related drug overdose. This law went into effect on 05/08/2023.

**LD981** requires all emergency medical services persons to be trained to administer and dispense naloxone hydrochloride; provides that a licensed emergency medical services person shall administer and dispense naloxone hydrochloride in compliance with specified protocols and training. This law went into effect on 05/15/2023.

**LD1036** requires that all law enforcement officers carry naloxone hydrochloride while on duty, obtain medical training in accordance with protocols adopted by the Medical Direction and Practices Board and administer or dispense intranasal naloxone hydrochloride as clinically indicated; relates to requirement to apply only to law enforcement officers who perform duties as uniformed patrol officers. This law went into effect on 06/12/2023.

**SP692** ensures access to federally approved opioid overdose reversing medication; relates to possession, prescription, administration and distribution of naloxone hydrochloride or another opioid overdose-reversing medication. This law went into effect on 06/12/2023.

**HP878** authorizes municipalities to approve safe consumption sites for individuals to self-administer previously obtained drugs; requires the sites to satisfy certain requirements, including providing hygienic facilities, providing safe disposal of hypodermic apparatuses, providing naloxone hydrochloride as



needed and making referrals to medical and social services; provides immunity from arrest. This law went into effect on 07/27/2023.

**LD1315** requires secondary schools to annually provide to students an age-appropriate instructional program on the use and misuse of drugs and controlled substances, the dangers of substance abuse and substance abuse prevention; provides that the instructional program must include a component on providing appropriate assistance to an overdose victim, including training in how to administer an opioid antidote, such as naloxone hydrochloride. This law went into effect on 07/27/2023.



## MARYLAND

Adjourn Date: 04/10/2023



## MASSACHUSETTS

Adjourn Date: 06/08/2023

**SB1363** is pending. A special commission to study the alternative and develop recommendations to broaden the availability of naloxone without prescription, including but not limited to recommendations on the standing order process, the collaborative practice agreement process, and/or legislative recommendations.

**SB2248** is pending. Directs the Massachusetts Bay Transportation Authority to place naloxone at Red Line stations.

**SB1274** is pending. Relates to Narcan availability in schools.

**HB1142** is pending. Prohibits cost-sharing for naloxone and other opioid antagonists.

**HB3420** is pending. Provides that the Massachusetts Bay Transportation Authority places naloxone at Red Line stations.

**SB667** is pending. Prohibits cost-sharing for opioid antagonists.

**SB1081** is pending. Improves access to fentanyl test strips and other drug checking equipment.

**HB1736** is pending. Relates to fentanyl test strips.

**HB2009** is pending. Provides that the Executive Office of Health and Human Services develop a pilot program to implement and study the use of fentanyl testing strips by individuals addicted to opioids and other substances.

**SB926** is pending. Relates to fentanyl test strips.

**SB948** is pending. Relates to protections for good samaritans.

**HB2008** is pending. Provides urgent help to persons at risk of serious and deadly harm from opioids and opioid overdose.

**SB1087** is pending. For legislation to set proportionate penalties for the distribution of heroin, fentanyl, and carfentanil. The Judiciary.

**HB1822** is pending. Relative to fentanyl arrests.



## MICHIGAN

Adjourn Date: 12/14/2023

**HB4366** is pending. Provides distribution of naloxone under the administration of opioid antagonist act to any individual.



## MINNESOTA

Adjourn Date: 05/22/2023

**HF1403** modifies and establishes aging, disability, behavioral health, substance use disorder, and statewide opioid litigation laws. Establishes rates for substance use disorder services and service enhancements, including medications for opioid use disorder; establishes behavioral health fund eligibility; details substance use disorder screening protocols and requires a comprehensive assessment prior to discharge for positive patients; implements protective factors to reduce negative impact of certain issues, including substance use disorder; establishes standard of care for substance use disorder treatment and Drug and Alcohol Abuse Normative Evaluation System that collects data across all providers; and establishes peer recovery and recovery community organization requirements and qualifications. This law passed on 05/24/2023 and has various effective dates.





## MISSISSIPPI

Adjourn Date: 04/02/2023

**HB1071** amends Section 41-29-113, Mississippi Code Of 1972, to include thirteen substances as Schedule I Controlled Substances because these drugs have no legitimate medical use and have great potential to cause harm; amends Section 41-29-119, Mississippi Code Of 1972, to include Serdexmethylphenidate as a Schedule IV Controlled Substance because the drug has a currently accepted medical use and a low potential for abuse that may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III; and for related purposes. This law went into effect on 07/01/2023.

**HB722** amends Section 41-29-105, Mississippi Code Of 1972, to exclude from the definition of “paraphernalia” under The Uniform Controlled Substances Law any materials used or intended for use in testing for the presence of fentanyl or a fentanyl analog in a substance; and for related purposes. This law went into effect on 07/01/2023.



## MISSOURI

Adjourn Date: 12/14/2023

**SB186** modifies provisions relating to public safety, including opioid overdose. This law went into effect on 07/06/2023.

**SB70** provides that any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration; establishes within the department of health and senior services the Health Professional Loan Repayment Program; adopts the Counseling Interstate Compact for professional counselors. This went into effect on 08/28/2023.



## MONTANA

Adjourn Date: 05/02/2023



## NEBRASKA

Adjourn Date: 06/01/2023



## NEVADA

Adjourn Date: 06/05/2023

**AB156** is a law providing for the separate accounting of certain money for the purchase of opioid antagonists; establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders; authorizing a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder and perform certain assessments under certain conditions; requiring certain health plans to include coverage for such drugs and assessments; prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder. This law went into effect on 06/15/2023.

**AB132** relates to public health; requiring the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to study certain issues relating to opioid overdose fatalities; and providing other matters properly relating thereto. This law went into effect on 10/01/2023.



## NEW HAMPSHIRE

Adjourn Date: 01/03/2024

**SB127** re-routes fees paid by methadone providers to the special fund for administration of opioid treatment programs. This law went into effect on 06/30/2023.

**HB287** removes fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act. This law goes into effect on 10/03/2023.

**SB239** is pending. This bill defines alcohol and drug abuse prevention programs under RSA 12-J to include harm reduction services; establishes the doorways program to provide drug and alcohol abuse information, referral, and treatment services; incorporates recommendations of the governor's commission on alcohol and other drugs in the use of opioid abatement fund expenditures; expands the syringe services program; and addresses license renewal criteria for physicians and physician assistants.

**HB470** is pending. This bill amends the definition of drug paraphernalia to exclude drug checking equipment and authorizes the use of drug checking equipment.



## NEW JERSEY

Adjourn Date: 01/09/2024

**SB783** establishes Opioid Recovery and Remediation Fund; establishes requirements for proceeds from opioid settlements to support substance use disorder prevention and treatment programs. This law went into effect on 03/17/2023.

**AB5500** is pending. Establishes “Remote Methadone Dosing Pilot Program;” appropriates \$225,000.

**AB4852** is pending. Provides that an institution of higher education shall obtain a supply of naloxone hydrochloride nasal spray through a standing order issued pursuant to the Overdose Prevention Act, to be maintained in one or more secure and easily accessible locations throughout the campus for the purpose of responding to an opioid overdose emergency.

**SB3287** is pending. Requires Institutions of Higher Education to maintain supply and develop policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies.

**AB5580** is pending. Requires retail licensees for on-premises consumption of alcohol and adult-use on-site consumption of cannabis licensees have opioid antagonists to be administered to patrons, staff or individuals on premises of such establishments.

**SB3957** is pending. Expands exemptions from criminal drug paraphernalia laws to additionally exempt certain harm reduction supplies.

**AB5630** is pending. Expands exemptions from criminal drug paraphernalia laws to additionally exempt certain harm reduction supplies.

**AB1170** is pending. Requires institutions of higher education to maintain supply of opioid antidotes and permits emergency administration of opioid antidotes by campus medical professional or trained employee.

**AB5096** is pending. Replaces statutory terms regarding alcohol and substance use; provides that a prosecutor seeking waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority without the consent of the juvenile shall file a motion within a specified days after the receipt of the complaint, which time may be extended for good cause shown.

**SB3325** is pending. Enhances penalties for possession, distribution, and manufacture of certain amounts of fentanyl.

**SB3096** is pending. Upgrades penalties for certain crimes involving heroin and fentanyl; establishes new crimes concerning heroin mixtures; allows certain defendants to be eligible for drug court.

**SB112** is pending. Increases penalties for unlawfully manufacturing, distributing, or dispensing fentanyl.

**SB2155** is pending. Adds illicit fentanyls to Schedule I in the “New Jersey Controlled Dangerous Substances Act.”

**SB4016** is pending. Provides for expansion of certain support team addiction recovery programs; appropriates \$1,995,000.

**AB1478** is pending. Provides for funds received from opioid litigation or settlements to be dedicated for use in financing substance use disorder prevention and treatment programs and services in New Jersey.



## NEW MEXICO

Adjourn Date: 03/18/2023

**SB425** creates a fund to establish medication for opioid use disorder (MOUD) programs in all county jails. It also mandates the human services department and corrections department to report annually on the establishment and operations of these programs. The legislation also expands MOUD programs in state prisons and requires that by the end of 2026, all individuals in state prisons be offered MOUD. This law went into effect on 03/30/2023.

**HB527** relates to the public peace, health, safety and welfare; creating the Opioid Settlement Restricted Fund; creating the Opioid Crisis Recovery Fund; declaring an emergency. This law went into effect on 04/05/2023.



## NEW YORK

Adjourn Date: 06/21/2023



## NORTH CAROLINA

Adjourn Date: 10/02/2023

**SB206** amends the North Carolina Controlled Substances Act to establish new violations involving counterfeit controlled substances and controlled substances; expands the State’s definition of opioid antagonist to include all opioid antagonists approved

by the Federal Food and Drug Administration for the treatment of a drug overdose; allows the use of all such federal food and drug-approved opioid antagonists in needle and hypodermic syringe exchange programs. This law went into effect on 05/19/2023.

**S189** is an act to increase the fine imposed on persons convicted of trafficking in heroin, fentanyl, or carfentanil; to modify the offense of death by distribution to include the unlawful delivery and ingestion of certain controlled substances that proximately causes the death of a person and to increase the punishments for a person who commits the offense of death by distribution; to add possession of less than one gram of any controlled substance to the list of offenses for which limited immunity from prosecution applies for an individual who seeks medical assistance; to create the task force on enforcement of fentanyl and heroin drug violations; and to make certain autopsy law changes. This law went into effect on 09/28/2023.

**HB224** is pending. An act protecting national opioid settlement proceeds for North Carolina and its units of government by prohibiting the assertion of any released claims against any released entities pursuant to the final consent judgments resolving this litigation.

**HB35** is pending. An act expanding the state's definition of opioid antagonist to include all opioid antagonists approved by the Federal Food and Drug Administration for the treatment of a drug overdose; and to allow the use of all such Federal Food and Drug-approved opioid antagonists in needle and hypodermic syringe exchange programs.



## NORTH DAKOTA

Adjourn Date: 04/30/2023

**HB1165** provides for the powers and duties of the Public Health Division; provides for the powers and duties of the Central Public Health Laboratory; provides that the Central Public Health Laboratory must be maintained for the standard function of diagnostic, sanitary and chemical examinations, and production and procurement of therapeutic and biological preparations for the prevention of disease and their distribution for public health purposes. This law went into effect on 04/11/2023.

**HB1447** creates and enacts a new chapter to title 50 of the North Dakota Century Code, relating to creation of the opioid settlement fund, creation of the opioid settlement advisory committee, and use of opioid settlement funds; to amend and reenact subsection 1 of section 21-10-06 and section 23-01-42 of the North Dakota Century Code and section 5 of chapter 3 of the 2021 Session Laws, relating to funds under

management of the state investment board, opioid antagonist prescription, distribution, possession, or use, and the funding of the opioid treatment and prevention program; to provide an appropriation; to provide for a transfer; to provide for application; and to declare an emergency. This law went into effect on 05/01/2023.

**SB2248** creates and enacts a new section to chapter 19-03.1, and section 19-03.1-23.6 of the North Dakota Century Code, relating to a special penalty for death or injury through distribution of illegal drugs and fentanyl reporting; to provide a statement of legislative intent regarding fentanyl awareness expansion; and to provide a penalty. This law went into effect on 05/01/2023.

**SB2003** provides an appropriation for defraying the expenses of the attorney general; to amend and reenact sections 53-12.1-09 and 54-12-11 of the North Dakota Century Code, relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant fund and the salary of the attorney general; to provide a transfer; to provide an exemption; to provide for a legislative management study; and to declare an emergency. This law went into effect on 05/09/2023.



## OHIO

Adjourn Date: 12/13/2023

**HB83** is pending. Removes criminal penalties for the use and possession of drug paraphernalia and drug abuse instruments.



## OKLAHOMA

Adjourn Date: 05/26/2023

**HB2424** relates to opioid antagonists; relates to prescription of opioid antagonists to family members; replaces naloxone with opioid antagonist; relates to the sale or dispensation of naloxone; removes naloxone and replaces it with opioid antagonist; provides an effective date. This law went into effect on 04/26/2023.

**SB452** includes certain chemicals in the list of Schedule I substances. This law went into effect on 04/28/2023.

**HB1987** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 05/02/2023.

**SB710** provides that any school nurse, public health nurse, licensed practitioner of the healing arts, nurse working under contract with a school district or any person designated by the school administration to

administer an emergency opioid antagonist in the event of a suspected overdose is authorized, regardless of whether there is a prescription or standing order in place, to administer an emergency opioid antagonist when encountering a student or other individual exhibiting signs of an opioid overdose. This law went into effect on 05/05/2023.

**HB2281** relates to public health and safety; adding definition; emergency. This law went into effect on 05/11/2023.

**SB712** relates to hospitals; requires the Department of Mental Health and Substance Abuse Services to provide opioid antagonists to hospitals; requires hospitals to provide certain persons with opioid antagonist upon discharge except under certain conditions; authorizes use of certain technology; requires provision of certain information and resources to patient; authorizes hospital to seek reimbursement under certain conditions; requires certain reimbursement to hospital; provides certain construction. This law went into effect on 05/25/2023.

**SB249** relates to controlled dangerous substances; defining term; broadening hospice exception from electronic prescription requirement. This law went into effect on 05/26/2023.

**SB475** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 06/09/2023.



## OREGON

Adjourn Date: 06/25/2023

**HB2645** increases penalties for possession of certain amounts of fentanyl. Increases penalties for possession of certain amounts of fentanyl. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Provides that delivery of fentanyl may be charged as a commercial drug offense in specified circumstances. Increases sentencing guidelines for the crime category level for delivery of fentanyl for consideration. Adds alternative manner of measuring fentanyl for purposes of calculating crime category level for certain offenses involving possession, delivery or manufacture of fentanyl. Provides that misdemeanor-level unlawful possession of fentanyl is designated drug-related misdemeanor for purposes of supervising entity and supervision funding, justice and municipal court jurisdiction and eligibility for earned reduction of supervision. Declares emergency. This law went into effect on 07/27/2023.

**HB2395** provides that a pharmacy, a healthcare professional, a pharmacist with prescription and dispensing privileges, a law enforcement officer, a

firefighter, an emergency medical services provider or any other person designated by the State Board of Pharmacy by rule may, among other things, distribute and administer a short-acting opioid antagonist and distribute the necessary medical supplies to administer the short-acting opioid antagonist, and distribute multiple kits to certain individuals. This law went into effect on 08/04/2023.



## PENNSYLVANIA

Adjourn Date: 12/13/2023

**HB1515** allows county jails to use grant funds to offer all FDA-approved medications for opioid use disorder, not just naltrexone. State prisons have been offering some, but not all three, of these medications for several years. This law went into effect on 07/07/2023.

**HB867** is pending. An Act relating to immediate access to treatment for substance use disorder; establishing the Substance Use Disorder Early Intervention Pilot Program; and imposing powers and duties on the Department of Drug and Alcohol Programs.

**HB869** is pending. An Act amending the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, in patients, providing for cultivating cannabis for personal use.

**SB81** is pending. Provides that it shall be unlawful for an EMS provider to dispense a dose package, an individually sealed package that contains naloxone or another comparable treatment regimen as determined by the Secretary of Health in a standing order to be used for the reversal of a single opioid-related overdose event, unless all of the specified conditions apply, including a standing order issued by the Secretary of Health allows for the purchase of naloxone or a dose package by the public without a prescription.

**HB601** is pending. Amends the act known as the Public School Code, in school health services; provides for possession and use of opioid antagonists.

**HB1245** is pending. Amends the act known as The Controlled Substance, Drug, Device and Cosmetic Act; provides for definitions and for prohibited acts and penalties.

**SB235** is pending. An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal homicide, providing for the offense of fentanyl delivery resulting in death.

**HB384** is pending. An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and penalties.



## RHODE ISLAND

Adjourn Date: 06/16/2023



## SOUTH CAROLINA

Adjourn Date: 05/11/2023

**HB3870** amends the South Carolina Code of Laws by Adding Section 40-43-72 so as to authorize the permitting and operation of narcotic treatment programs, to establish certain requirements for narcotic treatment programs and their associated pharmacists, practitioners, and practitioner agents, to require the board of pharmacy to fulfill certain obligations, and for other purposes; and by amending section 44-53-720, relating to restrictions on use of methadone, so as to make conforming changes. This law went into effect on 05/16/2023.

**HB3691** amends the south carolina code of laws by adding section 17-5-135 so as to allow coroners to possess and administer opioid antidotes under certain circumstances; by adding section 44-130-90 so as to provide procedures for the administration of opioid antidotes by coroners and the reporting of their use; and by amending section 17-5-510, relating to duties of coroners and medical examiners, so as to provide that coroners are considered public safety officers if killed in the line of duty. This law went into effect on 05/19/2023.

**HB3503** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 06/15/2023.



## SOUTH DAKOTA

Adjourn Date: 03/27/2023

**HB1041** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 02/22/2023.



## TENNESSEE

Adjourn Date: 05/06/2023

**HB0702** enacts the “One Pill Will Kill Act,” which adds fentanyl, carfentanil, remifentanil, alfentanil, and thiafentanil to what constitutes a qualifying controlled substance for purposes of certain felony offenses. Amends TCA Title 39 and Title 40. This law went into effect on 07/01/2023.



## TEXAS

Adjourn Date: 05/29/2023

**SB629** relates to the use of opioid antagonists on public and private school campuses and at or in transit to or from off-campus school events and to the permissible money appropriated to a state agency from the opioid abatement. This law went into effect on 06/18/2023.

**HB6** relates to the designation of fentanyl poisoning or fentanyl toxicity for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increases a criminal penalty. This law went into effect on 09/01/2023.

**SB2173** relates to a pilot program for the safe disposal of prescription drugs, including controlled substance prescription drugs. This law went into effect on 09/01/2023.



## UTAH

Adjourn Date: 03/03/2023

**SB208** makes technical updates in Titles 58 through 63J to cross references of the Utah Health and Human Services Code that are renumbered and amended; provides for Administration, Licensing, and Recovery Services, Health Care Assistance and Data, Health Care Delivery and Repeals, and Prevention, Supports, Substance Use and Mental Health. This law went into effect on 03/15/2023.

**SB0155** enacts requirements for the use of funds received from opioid litigation proceeds. This law went into effect on 03/15/2023.

**SB86** creates an exemption from liability under the Utah Controlled Substances Act for certain entities that temporarily possess a controlled or counterfeit substance in order to conduct a test on the substance for a certain reason; modifies the definition of drug paraphernalia to exclude certain testing products or equipment. This law went into effect on 03/15/2023.

**HB111** requires municipal or county jails provide access to MOUD to individuals in jails who were active clients in an MOUD program prior to incarceration. The legislation also permits counties to pay for the medications and allows jails to store them if needed. This law went into effect on 05/03/2023.

**SB86** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 05/03/2023.





## VERMONT

Adjourn Date: 05/09/2023

**HB222** permits possession of fentanyl test strips without facing criminal penalties. This law went into effect on 05/25/2023.



## VIRGINIA

Adjourn Date: 02/25/2023

**SB1415** allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. The bill requires the Department of Health to provide a report on the development of the comprehensive statewide naloxone plan. This law went into effect on 07/01/2023.

**SB1424** relates to Department of Corrections; relates to possession and administration of naloxone; adds employees of the Department of Corrections designated by the Director of the Department to the list of persons who are authorized to possess and administer naloxone or other opioid antagonists. This law went into effect on 07/01/2023.

**HB1447** provides that the prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by specified persons, including persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an order or protocol to administer drugs and devices at the facility. This law went into effect on 07/01/2023.

**SB1426** relates to administration of controlled substances; relates to emergency service providers or paramedics; provides that the prescribing practitioner

may administer drugs and devices or he may cause drugs or devices to be administered by persons who are employed or engaged at a medical care facility, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility. This law went into effect on 07/01/2023.

**SB1275** provides that a licensed midwife may obtain, possess, and administer drugs and devices that are used within the licensed midwife's scope of practice as determined by the North American Registry of Midwives Job Analysis. This law went into effect on 07/01/2023.

**HB1511** provides that a licensed midwife may obtain, possess, and administer drugs and devices that are used within the licensed midwife's scope of practice as determined by the North American Registry of Midwives Job Analysis; provides that the Board of Medicine shall develop and publish best practice and standards of care guidance for all such drugs; provides that the formulary shall not include any drug in Schedule I through V of the Drug Control Act. This law went into effect on 07/01/2023.

**SB827** includes provision requiring each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of §54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses. Allows hospitals in the Commonwealth may enter into agreements with the

Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal. This law went into effect on 07/01/2023.

**HB2274** expands a pharmacist's scope of practice for initiation of treatment for certain diseases and conditions, including controlled substances or devices for the initiation of treatment of the specified diseases or conditions for which clinical decision making can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments: group A streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection. This law went into effect on 07/01/2023.

**SB948** relates to pharmacist scope of practice; relates to initiation of treatment for certain diseases and conditions; allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for treatment of Group A Streptococcus infection, influenza virus infection, and urinary tract infection to persons 18 years of age or older or persons otherwise authorized to consent with whom the pharmacist has a bona fide pharmacist-patient relationship. This law went into effect on 07/01/2023.

**HB1409** provides that distribution by any method, of any hypodermic needles or syringes, gelatin capsules, quinine or any of its salts, in excess of one-fourth ounce shall be restricted to licensed pharmacists or to others who have received a license or a permit; provides that this shall not prohibit the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin. This law went into effect on 07/01/2023.

**SB1188** defines and penalizes weapons of terrorism. Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony. This law went into effect on 07/01/2023.



## WASHINGTON

Adjourn Date: 04/23/2023

**SB5293** improves the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill. This law went into effect on 07/01/2023.

**SB5502** mandates the corrections department to conduct a comprehensive assessment for substance use disorder prior to transferring an individual from a correctional facility to the graduated reentry program. If an individual is determined to have a substance use disorder, they are enrolled in treatment as soon as they are transferred to the reentry program. Treatment includes medications for opioid use disorder, counseling, access to fentanyl test strips, and naloxone. The corrections department must also report data on how many individuals transferred to the reentry program were found to have a substance use disorder and who receives treatment. This law went into effect on 07/23/2023.



## WEST VIRGINIA

Adjourn Date: 03/11/2023

**SB674** provides statutory recognition and appointment of board members for WV First Foundation. This law went into effect on 03/10/2023.



## WISCONSIN

Adjourn Date: 12/31/2023



## WYOMING

Adjourn Date: 03/03/2023

**HB0111** relates to crimes and offenses; adding fentanyl to the list of controlled substances that qualify as a child endangerment offense; clarifying the applicability of provisions; and providing for an effective date. This law went into effect on 02/15/2023.





## **AMERICAN SAMOA**

Adjourn Date: TBD



## **GUAM**

Adjourn Date: 12/31/2023



## **PUERTO RICO**

Adjourn Date: TBD



## **UNITED STATES VIRGIN ISLANDS**

Adjourn Date: \*

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