

2019 Legislative and Budget Updates

Governor's Advisory Commission on
Opioids and Addiction
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Legislation - Naloxone

- ❑ **HB1878 Naloxone; possession and administration by regional jail employees (Garrett)**
 - Adds employees of regional jails to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

- ❑ **HB2158 Naloxone; expands list of individuals who may dispense (Plum)**
 - Expands the list of individuals who may dispense naloxone pursuant to a standing order to include health care providers providing services in hospital emergency departments and emergency medical services personnel and eliminates certain requirements. The bill establishes requirements for the dispensing of naloxone in an injectable formulation with a hypodermic needle or syringe. The bill also allows a person who dispenses naloxone on behalf of an organization to charge a fee for the dispensing of naloxone, provided that the fee is no greater than the cost to the organization of obtaining the naloxone dispensed.

- ❑ **HB2318 Naloxone; possession and administration by school nurses and local health department employees (McGuire)**
 - Adds school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and school board, and other school board employees or individuals contracted by a school board to provide school health services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

Legislation – Treatment and Recovery

- **HB2558 (Pillion)/SB1167(Chafin) Medicaid recipients; treatment involving opioids or opioid replacements, payment**
 - Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction.

- **HB2045 (Hurst) Department of Behavioral Health and Developmental Services; certification of recovery residences; regulations; civil penalties.**
 - Provides for the promulgation of regulations for the certification of recovery residences by the Department of Behavioral Health and Developmental Services. The bill defines "recovery residence" as a housing facility that provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services. The bill prohibits any person from advertising, representing, or otherwise implying to the public that a recovery residence or other housing facility is a certified recovery residence unless it is certified by the Department. The bill authorizes the Department to assess a civil penalty for violations of this prohibition

Legislation – Criminal Justice

❑ SB 1349 (McDougal), Safe Reporting of Overdoses

- Eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia.

❑ HB 2528 (Hugo), Felony Homicide

- Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

Key Budget Items

❑ Department of Forensic Science

- The budget restores funding of about \$3.3 million that was carried forward from FY 2020 to FY 19 to fund Department of Forensic Science's opioid crisis emergency response plan and funds positions and outsourcing costs to address backlogs in the controlled substances section.

❑ Department of Corrections:

- The budget includes a total of about \$1 million for the second biennium to expand the Department of Corrections' Community Corrections Alternative Program, also known as CCAP.
- This program provides substance abuse treatment, including treatment specifically for opioid use disorder, cognitive behavioral treatment, and vocational and educational support for nonviolent offenders.
- Add beds at Harrisonburg, Appalachian and Cold Springs Detention and Diversion Centers.

❑ Department of Behavioral Health and Developmental Services

- \$1.6 M for REVIVE! Kits and associated naloxone