

TITLE XXX

OCCUPATIONS AND PROFESSIONS

CHAPTER 318-B

CONTROLLED DRUG ACT

Section 318-B:15

318-B:15 Persons and Corporations Exempted. – The provisions of this chapter restricting the possession and having control of controlled drugs shall not apply to:

I. Common carriers or to warehousemen while engaged in lawfully transporting or storing such drugs, or to an employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of controlled drugs; or to temporary incidental possession by employees or agents or persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

II. Persons possessing prescription drugs dispensed to them pursuant to a lawful prescription or who are acting as an authorized agent for a person holding a lawful prescription. For purposes of this section, an authorized agent shall mean any person, including but not limited to a family member or caregiver, who has the intent to deliver the prescription drug to the person to whom the prescription drugs are lawfully prescribed. This exemption does not extend to persons possessing drugs with an intent to sell.

III. Law enforcement officers engaged in the collection, storage, and disposal of controlled drugs in conjunction with a pharmaceutical drug take-back program established under RSA 318-E.

IV. (a) A health care professional authorized to prescribe an opioid antagonist may prescribe, dispense, or distribute, directly or by standing order, an opioid antagonist to a person at risk of experiencing an opioid-related overdose or a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose. Any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

(b) A person or organization may, if acting pursuant to the provisions of subparagraph (a), store and possess an opioid antagonist, dispense or distribute an opioid antagonist, and administer an opioid antagonist to another person who the person believes is suffering an opioid-related overdose.

(c) No health care professional who, acting in good faith and with reasonable care, prescribes, dispenses, or distributes an opioid antagonist directly or by standing order and no person who, acting in good faith and with reasonable care, stores, dispenses, or distributes an opioid antagonist or administers an opioid antagonist to another person who the person believes is suffering an opioid-related drug overdose shall be subject to any criminal or civil liability, or any professional disciplinary action, for any action authorized by this paragraph or any outcome resulting from an action authorized by this paragraph.

(d) In this paragraph:

(1) "Opioid antagonist" means any drug that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors.

(2) "Opioid-related drug overdose" means a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

Source. 1969, 421:1. 2010, 173:1, eff. Jan. 1, 2011. 2011, 63:6, eff. July 1, 2011. 2015, 65:1, eff. June 2, 2015.