Distribution and use of Naloxone – the legal issues

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“Take-home Naloxone to reduce fatalities – scaling up a participatory intervention across Europe”
14 October 2014
Networks consultation – expertise?

Legal and Policy Correspondents – 13 answers
National Focal Points (SQ23) – 26 answers

Not from FI, IE, IT, SK

…Who is the “expert” to give a reliable answer?
The legal issues for discussion

Availability
• Licensed, prescription status

Prescribing and use
• Who is permitted to prescribe / use?
• How is it distributed?

Legal obstacles
• Unauthorised possession/use
• Encouraging illegal drug use
• Liability for injury or death?
Availability

- Not officially authorised: 1*/13 (emergency imports)
- Without prescription: 0.
Prescribing and use

Permitted for hospital or emergency response: 9/13, 15/26
Permitted for all medical doctors: 11/13, 17/26
Part of standard ambulance equipment (16/26), ambulance personnel are trained (14/26)

Distributed by peer programs (3/26)
Distributed to prisoners on exit (1/26)
Obstacles to wider use (legal penalties or other)

“Not enough opioid overdoses”: 2/13

Theoretically, there could be:

Offence to possess or use without authorisation: 7/13
Liability for death: 5/13
Liability for serious harm: 8/13
Liability for prescribing doctor: 1/13
Offence of facilitating/encouraging drug use: 0/13

BUT

DE – Criminal Code general defence of necessity (avoiding greater harm)
NL - “No objection” to administration by third parties in emergencies
UK law: restriction and exemption

Unless self-administered, parenteral (injectable) medicines may only be administered by an appropriate practitioner or a person acting in accordance with the directions of an appropriate practitioner.

BUT

Exemptions permit the parenteral administration of a specified list of medicines by anyone where the administration is for the purpose of saving life in an emergency.
In conclusion

Naloxone restrictions –

A case of Form(ulation) over Substance?

(Restrictions seem to be due to the form of administration, rather than the properties of the substance itself)