

Subject Nonopioid directives

Authors Baker and others

Analyst Elisabeth Klarqvist

Date March 20, 2025

Overview

This bill authorizes patients and health care agents to execute nonopioid directives; requires health care providers to include nonopioid directives in patient health records; and, except in certain circumstances, requires prescribers and health professionals to comply with nonopioid directives. A nonopioid directive is a written document that includes one or more instructions that a patient must not be administered an opioid by a health professional or be offered a prescription for an opioid by a prescriber.

Summary

Section	Description
1	Emergency medical services provider. Adds subd. 1c to § 145C.01. Adds a definition of emergency medical services provider to chapter 145C.
2	Nonopioid directive. Adds subd. 7b to § 145C.01. Adds a definition of nonopioid directive to chapter 145C.
3	Prescriber. Adds subd. 7c to § 145C.01. Adds a definition of prescriber to chapter 145C.
4	Opioid instructions entered into health record. Amends § 145C.17. Requires a health care provider presented with a patient's nonopioid directive to include the nonopioid directive in the patient's health record. Requires a health care provider who receives notice that a nonopioid directive has been revoked, to note the revocation in the patient's health record.
5	Nonopioid directive. Adds § 145C.18. Authorizes patients and health care agents to execute nonopioid directives; specifies how a nonopioid directive may be revoked; requires compliance with a nonopioid directive except in certain circumstances; provides immunity from

Section	Description
---------	-------------

	civil and criminal penalties and professional disciplinary action for certain acts and failures to act; and directs the commissioner of health to develop and make available a nonopioid directive form.
--	--

Subd. 1. Execution. Allows a patient with capacity to do so, or a patient's health care agent, to execute a nonopioid directive, and requires a nonopioid directive to include one or more instructions that the patient must not be administered an opioid by a health professional or offered a prescription for an opioid by a prescriber.

Subd. 2. Revocation. Allows a patient to revoke the patient's nonopioid directive at any time and in any manner the patient can communicate the revocation, and allows a patient's health care agent to revoke a nonopioid directive executed for the patient by executing a written statement of revocation and providing notice to the patient's health care provider.

Subd. 3. Compliance with nonopioid directive; exception. Requires prescribers and health professionals to comply with a nonopioid directive, except that a prescriber or health professional may administer an opioid to a patient with a nonopioid directive if:

- the patient is being treated, in an emergency, in a hospital or in a setting outside a hospital;
- it is medically necessary to administer an opioid in order to treat the patient, including during a surgical procedure when complications arise; and
- it is not practical or feasible for the prescriber or health professional to access the patient's health record.

If an opioid is administered to a patient with a nonopioid directive, requires the prescriber to ensure the patient receives information on substance use disorder services.

Subd. 4. Immunities. Except as otherwise provided in law, provides immunity from civil liability, criminal prosecution, or professional disciplinary action for health professionals, employees of health professionals, health care facilities and their employees, and emergency medical services providers for failing to prescribe, administer, or dispense an opioid to a patient with a nonopioid directive; for administering an opioid to a patient with a nonopioid directive in an emergency as specified in subdivision 3, paragraph (b); or for inadvertently administering an opioid to a patient with a nonopioid directive. The act or failure to act must have been performed reasonably and in good faith.

Section	Description
---------	-------------

	<p>Subd. 5. Nonopioid directive form. Directs the commissioner of health to develop and post on the Department of Health website, a nonopioid directive form for use by patients and health care agents.</p>
--	---



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn.gov/hrd | 651-296-6753 | Third Floor, Centennial Office Building | St. Paul, MN 55155