



HARM REDUCTION AND OVERDOSE PREVENTION Fact Sheet

Legality of Expired Naloxone in Idaho

Background

Drug overdose is a nationwide epidemic that claimed the lives of over 105,000 people in the United States in 2023.¹ Opioids, either alone or in combination with other drugs or alcohol, were responsible for approximately 75% of these deaths.² Many of these approximately 80,000 people would be alive today if they had been administered the opioid antagonist naloxone and, where needed, other emergency care.³ In light of the ongoing crisis, all fifty states and the District of Columbia have modified their laws to increase access to naloxone, the standard first-line treatment for opioid overdose.⁴


While these laws have successfully increased access to naloxone, few explicitly address the legality of distributing and administering the lifesaving medication past its expiration date, despite its proven efficacy and safety.⁵ As many governmental and non-governmental organizations increasingly have stocks of such expired naloxone, it is important to determine the legality of distributing it.

This factsheet discusses whether Idaho law forbids the prescription, dispensing, distribution, possession, or administration of expired naloxone. It also discusses whether taking such actions might impact a medical professional's risk of criminal, civil, or administrative liability for prescribing or dispensing expired naloxone, or a layperson's criminal or civil immunity for distributing or administering it.

In summary, Idaho law does not generally forbid the possession, sale, or distribution of expired prescription medications, including naloxone. While Idaho law does impose some restrictions on expired medications in certain regulated healthcare settings, such as assisted living facilities, there is a strong argument that the naloxone access law's broad text and grant of immunity would preclude any potential liability related to the distribution or administration of expired naloxone.

Efficacy of Expired Naloxone

Numerous studies have demonstrated that naloxone retains its potency long past its expiration date, even when kept in less-than-ideal conditions. In perhaps the most comprehensive study on the subject, expired naloxone samples—some which had expiration dates as early as the 1990s—were obtained from fire departments, emergency medical services, and law enforcement agencies.⁶ Upon testing, it was discovered that these samples—which had mostly been stored in ambulances, police cars, and similar high-variability



environments—retained nearly all of their active ingredient even after nearly 30 years in storage. Only one sample, which was more than 25 years past its expiration date, had fallen to below 90% of its original strength.⁷

While that study was conducted with naloxone vials designed for injection with a needle and syringe, similar results have been obtained with Evzio, an auto-injector device, and Narcan, a nasal spray. Testing on several of these products that were at least one year past their listed expiration date revealed that they all retained greater than 100% of their labeled naloxone concentration. The researchers who conducted this study noted that the data suggest “extending the shelf life of these products” to “aid in avoiding the significant expense of replacing them every two years and also increase the availability” of naloxone in communities.⁸

Even extremes of heat and cold seem to do little to impact the efficacy of naloxone. In another study, ampoules of naloxone were cycled through repeated heating and cooling cycles for 28 days. These samples, which had been either repeatedly cooled to around -70 degrees Fahrenheit or heated to around 176 degrees Fahrenheit, “remained at comparable concentrations as ampoules stored at room temperature.”⁹

The FDA has repeatedly extended the shelf-life of naloxone products, indicating recognition of their robust stability.¹⁰

Summary of Relevant Idaho Law

Idaho was among the earlier states to pass a law designed to increase access to naloxone.¹¹ Originally enacted in 2015, the law was amended in 2019 to permit any health professional licensed or registered under state law who is acting in good faith and exercising reasonable care to prescribe and dispense opioid antagonists such as naloxone.¹² The law was amended again in 2021 to simplify the circumstances in which health professionals are authorized to dispense naloxone.¹³ The statute was modified and expanded in 2024: while it previously authorized non-health-professionals to only *administer* naloxone in certain circumstances, the law now also authorizes laypersons to distribute and dispense naloxone as well.¹⁴

Under the current statute, “[n]otwithstanding any other provision of law,” any licensed health professional “acting in good faith and exercising reasonable care,” may prescribe, dispense, or administer opioid antagonists, including naloxone, to any person or entity.¹⁵ In addition, “[n]otwithstanding any other provision of law,” any person acting reasonably and in good faith may distribute or dispense naloxone to any person or entity and may administer naloxone to “any person who appears to be experiencing . . . an opiate-related overdose.”¹⁶ Licensed health professionals and other persons who distribute, dispense, or administer naloxone as authorized by the statute are immune from civil or criminal liability for doing so.¹⁷

Idaho law does not have a generally applicable provision regulating activity involving expired drugs. There are several provisions related to expired drugs, but they apply only in specific healthcare settings. Specifically, “certified family homes” providers must properly dispose of expired medications;¹⁸ in “residential assisted living facilities,” “[d]iscontinued or outdated medications and treatments must be removed from the resident’s medication supply” and properly disposed of within 30 days;¹⁹ in “residential habilitation agencies,” “[m]edications that are expired or no longer used by the participant must not be retained by the agency or agency staff” after 30 days;²⁰ childhood “outdoor programs” and “children’s residential care facilities” are required to “[d]ispose of all unused and expired medication so they are not available to children”;²¹ and veterinary practices may not accept donated drugs if they are expired.²² Pharmacies were previously required to remove and properly dispose of expired drugs.²³ However, those requirements were repealed effective July 1, 2025, as part of a larger overhaul of pharmacy regulation.²⁴



Legal Analysis

Idaho's naloxone access law expressly authorizes health professionals to prescribe, distribute, dispense, and administer opioid antagonists like naloxone to both individuals and entities. It also expressly authorizes laypeople who act in good faith and exercise reasonable care to distribute and dispense opioid antagonists such as naloxone, and to administer it to any person appearing to experience an opioid overdose. Any person who engages in the acts authorized by the statute is entitled to immunity from criminal and civil liability for doing so.

Idaho law does not include any generally applicable restrictions on activity involving expired medications. Therefore, in most circumstances, nothing in Idaho law restricts conduct involving expired drugs, including conduct authorized by the naloxone access law. Further, Idaho specifically defines the term "opioid antagonist" as "naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose."²⁵ Expired naloxone still meets that definition, meaning its use should remain authorized by the naloxone access law.

The few state restrictions regarding expired medications apply only to the specific healthcare settings listed above. However, the naloxone access law provides that health professionals and laypeople "acting in good faith and exercising reasonable care" may engage in the authorized conduct "*notwithstanding any other provision of law.*" Given the evidence that expired naloxone maintains its efficacy, and the urgent public health need for naloxone access to redress the overdose death crisis, there is a strong argument that the distribution or administration of expired naloxone is consistent with acting in good faith and with reasonable care.²⁶ Thus, there is a strong argument that the naloxone access law would override the regulatory restrictions on storing or using expired medications, and that people who engaged in conduct authorized by the access law would be immune from liability based on the regulatory restrictions.

Conclusion

Idaho law authorizes professionals and laypeople, acting reasonably and in good faith, to distribute and administer naloxone with immunity from civil or criminal liability. Further, Idaho law does not generally prohibit the possession or distribution of expired prescription medication. Therefore, it is likely that engaging in conduct authorized by the naloxone access law using expired naloxone is generally legal in Idaho. While some regulated settings do impose restrictions on expired medications, even there it is possible the naloxone access law preempts the regulations from applying and/or provides immunity from any liability for persons using expired naloxone reasonably and in good faith.

SUPPORTERS

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¹ National Center for Health Statistics, Vital Statistics Rapid Release: Provisional Drug Overdose Death Counts. 2023; <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>. Accessed November 11, 2024.

² CDC, Understanding the Opioid Overdose Epidemic (June 9, 2025), <https://www.cdc.gov/overdose-prevention/about/understanding-the-opioid-overdose-epidemic.html>.

³ Opioid overdose is caused by excessive depression of the respiratory and central nervous systems. Naloxone, a κ - and δ , and μ -opioid receptor competitive antagonist, works by displacing opioids from these receptors, thereby reversing their depressant effect. James Chamberlain et al., *A comprehensive review of naloxone for the emergency physician*, 12 AM J EMERG MED. 650, 660 (1994).

⁴ For a comprehensive list of state naloxone access laws, see Network for Public Health Law, *Legal Interventions to Reduce Overdose Mortality: Naloxone Access Laws*, <https://www.networkforphl.org/wp-content/uploads/2021/04/NAL-FINAL-4-12.pdf>.

⁵ Colorado is a notable exception. There, state law explicitly extends immunity protections to individuals who furnish or administer expired naloxone. See COLO. REV. STAT. § 13-21-108.7(3)(a); COLO. REV. STAT. § 18-1-712(2)(a). The Colorado Consortium for Prescription Drug Abuse Prevention has created an Expired Naloxone Program toolkit that walks agencies through the process of donating expired naloxone. See Colorado Consortium for Prescription Drug Abuse Prevention, *Expired Naloxone Donation program*, <https://corxconsortium.org/projects/expired-naloxone/>.

⁶ Schuyler Pruyn et al., *Quality Assessment of Expired Naloxone Products from First-Responders' Supplies*, in 23 PREHOSP EMERG CARE 647, 653 (2019).

⁷ The potency of that sample, which expired in May 1992, was approximately 89% of that when it was new.

⁸ Mohammad F. Hossain et al., *Chemical stability of naloxone products beyond their labeled expiration dates*, 18 J OPIOID MANAG. 39, 46 (2022).

⁹ See Dulcie Lai et al., *The effects of heat and freeze-thaw cycling on naloxone stability*, 16 HARM REDUCT J. 17 (2019) (finding stability across temperatures reported between -20 and 80 degrees Celsius); Bart Johansen et al., *Effect of extreme temperatures on drugs for prehospital ACLS*, 11 AM J EMERG MED. 450, 452 (1993) (finding stable results).

¹⁰ See, e.g., FDA, Press Release, FDA Announces Shelf-Life Extension for Naloxone Nasal Spray (Jan. 17, 2024), <https://www.fda.gov/drugs/drug-safety-and-availability/fda-announces-shelf-life-extension-naloxone-nasal-spray>; Hikma Pharm., Press Release, Kloxado 8mg Naloxone Nasal Spray Shelf-Life Extended from 24 Months to 36 Months (Aug. 15, 2024), <https://www.prnewswire.com/news-releases/kloxado-8mg-naloxone-nasal-spray-shelf-life-extended-from-24-months-to-36-months-302223864.html>.

¹¹ Idaho Code Ann. § 54-1733B (2015).

¹² Idaho Code Ann. § 54-1733B(1) (2019) (“[A]ny health professional licensed or registered under this title, acting in good faith and exercising reasonable care, may prescribe and dispense an opioid antagonist . . .”). The statute’s prior language was limited to physicians and pharmacists.

¹³ Compare Idaho Code Ann. § 54-1733B(1)(a)–(d) (2020) (listing specific circumstances in which naloxone can be prescribed or dispensed), with Idaho Code Ann. § 54-1733B(1) (2021) (providing that naloxone can be prescribed or dispensed “to any person or entity,” without factual limitations).

¹⁴ Compare Idaho Code Ann. § 54-1733B(2) (2023) (providing that a person may “administer an opioid antagonist to another person who appears to be experiencing an opiate-related overdose”), with Idaho Code Ann. § 54-1735(2) (2024) (providing that a person may “distribute or dispense emergency medication,” which is defined to include opioid antagonists like naloxone, “to any person or entity and may administer emergency medication to any person who appears to be experiencing . . . an opiate-related overdose”).

¹⁵ Idaho Code Ann. § 54-1735(1).

¹⁶ *Id.* § 54-1735(2). A layperson who administers naloxone “shall contact emergency services as soon as possible.” *Id.*

¹⁷ Idaho Code Ann. § 54-1735(1)–(2).

¹⁸ Idaho Code Ann. § 39-3505(10)(c)(iv); Idaho Admin. Code R. 16.03.19.402(07).

¹⁹ Idaho Admin. Code R. 16.03.22.310(02).

²⁰ Idaho Admin. Code R. 16.04.17.302(02)(d).

²¹ Idaho Admin Code R. 16.04.18.531(07); Idaho Admin. Code R. 16.04.18.449(07).

²² Idaho Code Ann. § 54-1762A(2)(a).

²³ Idaho Admin. Code R. 24.36.01.104.10 (2023).

²⁴ See 2025 Idaho Sess. Laws Ch. 93 (H.B. No. 200), § 50.

²⁵ Idaho Code Ann. § 54-1704(33).

²⁶ See, e.g., Ashley Cid et al., *Frequently Asked Questions about Naloxone: Part 3*, 155 Canadian Pharm. J. 9, 9 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8756371> (“Pharmacists should routinely offer replacement kits to patients as their kits expire. However, tell your patients that in an emergency situation, an expired or improperly stored naloxone kit can still be effective and is unlikely to cause harm.”).