
A BILL FOR AN ACT

RELATING TO OPIOID ANTAGONISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that drug overdose deaths
2 in the United States have more than doubled since 1999.
3 According to the most recent data from the federal Centers for
4 Disease Control and Prevention, in 2013, more than 16,000 deaths
5 associated with opioid pain relievers were reported. Deaths
6 involving heroin have also doubled in recent years, with more
7 than 8,000 deaths reported in 2013. According to the Centers
8 for Disease Control and Prevention, overdoses involving
9 prescription painkillers are at epidemic levels. However,
10 deaths caused by opioids are often preventable via timely
11 administration of an opioid antagonist, such as naloxone
12 hydrochloride. Studies have found that providing opioid
13 overdose training and naloxone kits can help people identify
14 signs of an opioid-related drug overdose and can help reduce
15 opioid overdose mortality.

16 The legislature further finds that naloxone injection has
17 been approved by the federal Food and Drug Administration and



1 used for more than forty years by emergency medical services
2 personnel to reverse opioid overdose. Naloxone has no
3 psychoactive effects and does not have any potential for abuse,
4 and first responders and family members with no medical training
5 can learn to administer it safely. Furthermore, research has
6 shown that the increased availability of naloxone does not
7 encourage people to use more drugs or engage in riskier
8 behavior.

9 The legislature additionally finds that over half of the
10 states in the country have enacted some form of a 911 drug
11 immunity law or have implemented a law or developed a pilot
12 program to allow administration of medication, like naloxone
13 hydrochloride, to reverse the effects of an opiate-related
14 overdose. Numerous state and national organizations also
15 support increased access to naloxone, including but not limited
16 to the American Public Health Association, American Medical
17 Association, American Pharmacists Association, Harm Reduction
18 Coalition, American Society of Addiction Medicine, National
19 Governors Association, law enforcement organizations, and
20 organizations representing first responders.

21 Accordingly, the purpose of this Act is to:



- 1 (1) Create immunity for individuals who prescribe,
2 possess, or administer an opioid antagonist such as
3 naloxone hydrochloride during an opioid-related drug
4 overdose;
- 5 (2) Authorize emergency personnel to administer naloxone
6 hydrochloride;
- 7 (3) Require medicaid coverage for naloxone hydrochloride;
8 and
- 9 (4) Exempt pharmacists and pharmacies from licensure and
10 permitting requirements, except for drug storage
11 requirements, for storing and distributing opioid
12 antagonists.

13 SECTION 2. The Hawaii Revised Statutes is amended by
14 adding a new chapter to be appropriately designated and to read
15 as follows:

16 "CHAPTER

17 OVERDOSE PREVENTION AND EMERGENCY RESPONSE ACT

18 § -1 Immunity. (a) The following definitions apply
19 throughout this section:

20 "Health care professional" includes but is not limited to a
21 physician, physician assistant under the authority and



1 supervision of a physician, or advanced practice registered
2 nurse who is authorized to prescribe an opioid antagonist.

3 "Opioid antagonist" means any drug that binds to opioid
4 receptors and blocks or disinhibits the effects of opioids
5 acting on those receptors.

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

13 (b) Notwithstanding any other law or regulation to the
14 contrary, a health care professional otherwise authorized to
15 prescribe an opioid antagonist may, directly or by standing
16 order, prescribe, dispense, and distribute an opioid antagonist
17 to an individual at risk of experiencing an opioid-related
18 overdose or to another person in a position to assist an
19 individual at risk of experiencing an opioid-related overdose.
20 Any such prescription shall be regarded as being issued for a



1 legitimate medical purpose in the usual course of professional
2 practice.

3 (c) A health care professional who, acting in good faith
4 and with reasonable care, prescribes, dispenses, or distributes
5 an opioid antagonist shall not be subject to any criminal or
6 civil liability or any professional disciplinary action for:

7 (1) Prescribing, dispensing, or distributing the opioid
8 antagonist; and

9 (2) Any outcomes resulting from the eventual
10 administration of the opioid antagonist.

11 (d) Notwithstanding any other law or regulation to the
12 contrary, any person may lawfully possess an opioid antagonist.

13 (e) A person who, acting in good faith and with reasonable
14 care, administers an opioid antagonist to another person whom
15 the person believes to be suffering an opioid-related drug
16 overdose shall be immune from criminal prosecution, sanction
17 under any professional licensing statute, and civil liability,
18 for acts or omissions resulting from the act.

19 § -2 Opioid antagonist administration; emergency
20 personnel. By January 1, 2017, every emergency medical



1 technician licensed and registered in Hawaii shall be authorized
2 to administer an opioid antagonist as clinically indicated.

3 § -3 Medicaid coverage. The department of human
4 services shall ensure that naloxone hydrochloride for outpatient
5 use is covered by the medicaid prescription drug program on the
6 same basis as other covered drugs.

7 § -4 Naloxone hydrochloride; pharmacy exemption. (a)
8 Prescription orders for naloxone hydrochloride are exempt from
9 the pharmacy license requirements and pharmacy permit
10 requirements of chapter 461.

11 (b) Notwithstanding any other law or regulation to the
12 contrary, a person or organization acting under a standing order
13 issued by a health care professional licensed under chapter 453
14 or chapter 457 who is otherwise authorized to prescribe an
15 opioid antagonist may store an opioid antagonist without being
16 subject to chapter 328 except part VII and may dispense an
17 opioid antagonist without charge or compensation.

18 § -5 Unintentional drug overdose; reporting. The
19 department of health shall ascertain, document, and publish an
20 annual report on the number of, trends in, patterns in, and risk
21 factors related to unintentional drug overdose fatalities



1 occurring each year within the State. The report shall provide
2 information on interventions that would be effective in reducing
3 the rate of fatal or nonfatal drug overdose.

4 § -6 Drug overdose recognition, prevention, and
5 response. The department of health shall provide or establish
6 the following:

- 7 (1) Education on drug overdose prevention, recognition,
8 and response, including naloxone hydrochloride
9 administration;
- 10 (2) Training on drug overdose prevention, recognition, and
11 response, including naloxone hydrochloride
12 administration, for patients receiving opioids and
13 their families and caregivers;
- 14 (3) Naloxone hydrochloride prescription and distribution
15 projects; and
- 16 (4) Education and training projects on drug overdose
17 response and treatment, including naloxone
18 hydrochloride administration, for emergency services
19 and law enforcement personnel, including volunteer
20 fire and emergency services personnel."




1 SECTION 3. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2016-2017 for
 4 drug overdose recognition, prevention, and response, including
 5 the distribution and administration of naloxone hydrochloride,
 6 as described in section -6, Hawaii Revised Statutes, pursuant
 7 to section 2 of this Act.






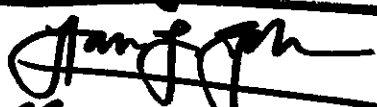

8 The sum appropriated shall be expended by the department of
 9 health for the purposes of this Act.

10 SECTION 4. This Act does not affect rights and duties that
 11 matured, penalties that were incurred, and proceedings that were
 12 begun before its effective date.

13 SECTION 5. This Act shall take effect on July 1, 2016.
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INTRODUCED BY:


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H.B. NO. 1671

Report Title:

Opioid Antagonist; Naloxone Hydrochloride; Drug Overdose Prevention; Emergency Response; Medical Immunity; Appropriation

Description:

Creates immunity for individuals who prescribe, possess, or administer an opioid antagonist such as naloxone hydrochloride during an opioid-related drug overdose. Authorizes emergency personnel to administer naloxone hydrochloride. Requires medicaid coverage for naloxone hydrochloride. Exempts pharmacists and pharmacies from licensure and permitting requirements, except for drug storage requirements, for storing and distributing opioid antagonists. Makes an appropriation for drug overdose recognition, prevention, and response, including the distribution and administration of naloxone hydrochloride.

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