
A BILL FOR AN ACT

RELATING TO OVERDOSE PREVENTION AND EMERGENCY RESPONSE.

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

1 SECTION 1. The legislature finds that the department of
2 health reports that accidental poisonings, commonly referred to
3 as drug overdoses, are one of the leading causes of injury-
4 related mortality in Hawaii. According to the department of
5 health, opioid pain relievers, such as oxycodone or hydrocodone,
6 contributed to 35 per cent or 270 of the 778 drug overdose
7 deaths from 2010 through 2014. This may be an underestimate.
8 Public health experts including the Centers for Disease Control
9 and Prevention and the Substance Abuse Mental Health Services
10 Administration recommend increasing access to opioid antagonists
11 such as Naloxone to prevent overdose-related mortalities.

12 The purpose of this Act is to expand access to opioid
13 antagonists to prevent fatal overdoses of drugs.

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



1 "CHAPTER

2 OVERDOSE PREVENTION AND EMERGENCY RESPONSE ACT

3 § -1 Definitions. As used in this chapter:

4 "Health care professional" includes a physician, physician
5 assistant, or nurse practitioner who is authorized to prescribe
6 an opioid antagonist.

7 "Naloxone hydrochloride" means a pure opioid antagonist
8 that has no agonist properties and is not a scheduled drug as
9 provided in title 21 United States Code section 812.

10 "Opioid antagonist" means any drug that binds to opioid
11 receptors and blocks or disinhibits the effects of opioids
12 acting on those receptors.

13 "Opioid-related drug overdose" means a condition that
14 includes extreme physical illness, decreased level of
15 consciousness, respiratory depression, coma, or death resulting
16 from the consumption or use of an opioid, or other substance
17 with which an opioid is combined, or that a layperson would
18 reasonably believe to be an opioid-related drug overdose that
19 requires medical assistance.

20 § -2 Immunity. (a) Notwithstanding any law to the
21 contrary, a health care professional authorized to prescribe an



1 opioid antagonist may, directly or by standing order, prescribe,
2 dispense, and distribute an opioid antagonist to an individual
3 at risk of experiencing an opioid-related overdose or to another
4 person in a position to assist an individual at risk of
5 experiencing an opioid-related overdose. Any such prescription
6 shall be regarded as being issued for a legitimate medical
7 purpose in the usual course of professional practice.

8 (b) A health care professional who, acting in good faith
9 and with reasonable care, prescribes, dispenses, or distributes
10 an opioid antagonist shall not be subject to any criminal or
11 civil liability or any professional disciplinary action for:

12 (1) Prescribing, dispensing, or distributing the opioid
13 antagonist; or

14 (2) Any outcomes resulting from the eventual
15 administration of the opioid antagonist.

16 (c) Notwithstanding any law to the contrary, any person
17 may lawfully possess an opioid antagonist.

18 (d) A person who, acting in good faith and with reasonable
19 care, administers an opioid antagonist to another person whom
20 the person believes to be suffering an opioid-related drug
21 overdose shall be immune from criminal prosecution, sanction



1 under any professional licensing statute, and civil liability,
2 for acts or omissions resulting from the act.

3 § -3 Opioid antagonist administration; emergency
4 personnel; first responders. Emergency medical services
5 personnel, police officers, and fire fighters licensed to
6 administer medications may administer an opioid antagonist in
7 cases of opioid-related drug overdose.

8 § -4 Medicaid coverage. The department of human
9 services shall ensure that naloxone hydrochloride for outpatient
10 use is covered by the medicaid prescription drug program on the
11 same basis as other covered drugs.

12 § -5 Opioid antagonist; storage and dispensing; pharmacy
13 exemption. Notwithstanding any law to the contrary, a person or
14 organization acting under a standing order issued by a health
15 care professional licensed under chapter 453 who is authorized
16 to prescribe an opioid antagonist:

- 17 (1) May store an opioid antagonist without being subject
18 to any part of chapter 328 except part VII;
- 19 (2) May dispense an opioid antagonist without charge or
20 compensation; and



1 (3) Shall be exempt from the pharmacy license requirements
2 and pharmacy permit requirements of chapter 461.

3 § -6 Dispensing naloxone hydrochloride without
4 prescription. (a) The board of pharmacy shall adopt
5 standardized protocols for licensed pharmacists to dispense or
6 otherwise furnish naloxone hydrochloride to patients who do not
7 hold an individual prescription for naloxone hydrochloride.

8 (b) Notwithstanding any law to the contrary, a licensed
9 pharmacist may dispense naloxone hydrochloride to any person as
10 long as the pharmacist complies with the protocols adopted
11 pursuant to subsection (a).

12 § -7 Unintentional drug overdose; reporting. The
13 department of health shall ascertain, document, and publish an
14 annual report on the number of, trends in, patterns in, and risk
15 factors related to unintentional opioid-related drug overdose
16 fatalities occurring each year within the State. The report
17 shall provide information on interventions that would be
18 effective in reducing the rate of fatal or nonfatal drug
19 overdose."



H.B. NO. 2253

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. This Act shall take effect on July 1, 2016.

5

INTRODUCED BY:

Adelle A. Belletti

JAN 25 2016



H.B. NO. 2253

Report Title:

Opioids; Drug Overdose Prevention; Emergency Response

Description:

Expands access to opioid antagonists to prevent drug-overdose fatalities. Establishes the Overdose Prevention and Emergency Response Act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

