
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 thirty-five per cent or two hundred seventy of
7 the seven hundred seventy-eight drug overdose deaths from 2010
8 through 2014. This may be an underestimate. Public health
9 experts including the Centers for Disease Control and Prevention
10 and the Substance Abuse Mental Health Services Administration
11 recommend increasing access to opioid antagonists such as
12 naloxone hydrochloride to prevent overdose-related mortalities.

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

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



1 "CHAPTER

2 OVERDOSE PREVENTION AND EMERGENCY RESPONSE ACT

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

4 "Harm reduction organization" means an organization that
5 provides services, including medical care, counseling, homeless
6 services, or addiction treatment, to individuals at risk of
7 experiencing an opiate-related drug overdose event or to the
8 friends and family members of an at-risk individual.

9 "Health care professional" includes a physician, physician
10 assistant, or advanced practice registered nurse who is
11 authorized to prescribe an opioid antagonist.

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

15 "Opioid antagonist" means any drug that binds to opioid
16 receptors and blocks or disinhibits the effects of opioids
17 acting on those receptors.

18 "Opioid-related drug overdose" means a condition that
19 includes extreme physical illness, decreased level of
20 consciousness, respiratory depression, coma, or death resulting
21 from the consumption or use of an opioid, or other substance



1 with which an opioid is combined, or that a layperson would
2 reasonably believe to be an opioid-related drug overdose that
3 requires medical assistance.

4 "Protocol" means a specific written plan for a course of
5 medical treatment containing a written set of specific
6 directions created by a physician, group of physicians, hospital
7 medical committee, or pharmacy and therapeutics committee.

8 "Standing order" means a prescription order by a health
9 care professional who is otherwise authorized to prescribe an
10 opioid antagonist that is not specific to and does not identify
11 a particular patient.

12 § -2 Immunity. (a) Notwithstanding any law to the
13 contrary, a health care professional authorized to prescribe an
14 opioid antagonist may, directly or by standing order, prescribe,
15 dispense, and distribute an opioid antagonist to an individual
16 at risk of experiencing an opioid-related overdose or to another
17 person in a position to assist an individual at risk of
18 experiencing an opioid-related overdose. Any such prescription
19 shall be regarded as being issued for a legitimate medical
20 purpose in the usual course of professional practice.



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

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

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

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

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

18 § -3 Opioid antagonist administration; emergency
19 personnel; first responders. Emergency medical services
20 personnel, law enforcement officers, and fire fighters may



1 administer an opioid antagonist in cases of opioid-related drug
2 overdose.

3 § -4 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 § -5 Opioid antagonist; storage and dispensing; pharmacy
8 exemption. Notwithstanding any law to the contrary, a person or
9 harm reduction organization acting under a standing order issued
10 by a health care professional licensed under chapter 453 who is
11 authorized to prescribe an opioid antagonist:

12 (1) May store an opioid antagonist without being subject
13 to any part of chapter 328 except part VII;

14 (2) May dispense an opioid antagonist without charge or
15 compensation; and

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

18 § -6 Dispensing naloxone hydrochloride without
19 prescription. (a) The board of pharmacy shall adopt
20 standardized protocols for licensed pharmacists to dispense or



1 otherwise furnish naloxone hydrochloride to patients who do not
2 hold an individual prescription for naloxone hydrochloride.

3 (b) Notwithstanding any law to the contrary, a licensed
4 pharmacist may dispense naloxone hydrochloride to any person as
5 long as the pharmacist complies with the protocols adopted
6 pursuant to subsection (a).

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

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

18 SECTION 4. This Act shall take effect on July 1, 2070.



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. (HB2253 HD1)

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