

JAN 27 2016

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**A BILL FOR AN ACT**

RELATING TO OPIOID OVERDOSE.

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

1           SECTION 1. The Legislature finds that the Hawaii  
2 Department of Health reports that accidental poisonings,  
3 commonly referred to as drug overdoses, are one of the leading  
4 causes of injury-related mortality in Hawaii. Opioid pain  
5 relievers, such as oxycodone or hydrocodone, contributed to more  
6 than one-third (35 per cent, or 270) of the 778 drug overdose  
7 deaths reported in Hawaii from 2010 through 2014. This may be  
8 an underestimate. Public health experts, including the Centers  
9 for Disease Control and Prevention and the Substance Abuse and  
10 Mental Health Services Administration, recommend increasing  
11 access to opioid antagonists, such as naloxone, to prevent  
12 overdose-related mortalities. Accordingly, the purpose of this  
13 Act is to expand access to opioid antagonists for the purpose of  
14 preventing fatal overdoses.

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:

S.B. NO. 2084

1 "CHAPTER

2 OVERDOSE PREVENTION AND EMERGENCY RESPONSE ACT

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

4 "Health care professional" means a person who is authorized  
5 to prescribe an opioid antagonist, including but not limited to  
6 a physician, physician assistant, or nurse practitioner.

7 "Opioid antagonist" means any drug that binds to opioid  
8 receptors and blocks or disinhibits the effects of opioids  
9 acting on those receptors.

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

17 § -2 **Immunity.** (a) Notwithstanding any other law to  
18 the contrary, a health care professional may prescribe and  
19 dispense an opioid antagonist to an individual at risk of  
20 experiencing an opioid-related overdose or to another person in  
21 a position to assist an individual at risk of experiencing an  
22 opioid-related overdose. Any prescribing or dispensing of an  
23 opioid antagonist pursuant to this chapter shall be regarded as  
24 being for a legitimate medical purpose in the usual course of  
25 professional practice.

S .B. NO. 2884

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

6 (1) Prescribing or dispensing the opioid antagonist; and

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

9 (d) Notwithstanding any other law to the contrary, any  
10 person may lawfully possess an opioid antagonist.

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

17 § -2 **Opioid antagonist administration; emergency**  
18 **personnel, first responders.** Emergency medical services  
19 personnel, police officers, and fire fighters licensed to  
20 administer medications may administer an opioid antagonist in  
21 cases of an opioid-related drug overdose.

22 § -3 **Medicaid coverage.** The department of human  
23 services shall ensure that naloxone hydrochloride for outpatient  
24 use is covered by the Medicaid prescription drug program on the  
25 same basis as other covered drugs.

S.B. NO. 2884

1           §   -4 **Naloxone hydrochloride; pharmacy exemption.** (a)

2 Naloxone hydrochloride is a pure opioid antagonist and has no  
3 agonist properties and, therefore, is not a scheduled drug as  
4 provided in title 21 United States Code section 812.

5           (b) Notwithstanding any other law to the contrary, a  
6 pharmacy may store an opioid antagonist without being subject to  
7 chapter 328, part I through V, and may dispense an opioid  
8 antagonist pursuant to this chapter with or without charge or  
9 compensation.

10          §   -5 **Dispensing naloxone hydrochloride without**

11 **prescription.** (a) The board of pharmacy shall adopt  
12 standardized protocols for licensed pharmacists to dispense  
13 naloxone hydrochloride to patients who do not hold an individual  
14 prescription for naloxone hydrochloride.

15           (b) Notwithstanding any other law to the contrary, a  
16 licensed pharmacist may dispense naloxone hydrochloride to any  
17 person as long as the pharmacist complies with the protocols  
18 adopted pursuant to subsection (a).

19          §   -6 **Unintentional drug overdose; reporting.** The  
20 department of health shall ascertain, document, and publish an  
21 annual report on the number of, trends in, patterns in, and risk  
22 factors related to unintentional opioid related drug overdose  
23 fatalities occurring each year within the State. The report  
24 shall provide information on interventions that would be

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1 effective in reducing the rate of fatal or nonfatal drug  
2 overdose."

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

6 SECTION 4. This Act effect upon its approval.

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INTRODUCED BY:

*[Handwritten Signature]*

11

BY REQUEST

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S.B. NO. 2884

**Report Title:**

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

**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/first responders 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. Allows pharmacists to dispense naloxone hydrochloride without a prescription.

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

## JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO OPIOID OVERDOSE.

PURPOSE: To allow individuals who use opiates to obtain injectable naloxone that could be used the individuals who use opiates and other persons in a position to assist those individuals in event of an overdose.

MEANS: Add a new chapter to Hawaii Revised Statutes.

JUSTIFICATION: Opiate overdose is currently a national epidemic and significant cause of death. Opioid pain relievers, such as oxycodone or hydrocodone, contributed to more than one-third (35 per cent, or 270) of the 778 drug overdose deaths in Hawaii from 2010 through 2014.

Poisoning is the leading mechanism of injury-related deaths in Hawaii, and drugs cause 9 out of 10 poisoning deaths. The average annual number of drug poisoning deaths, also called overdoses, nearly doubled from the 1999-2003 period (78 deaths) to the 2010-2014 period (156 deaths). Drug overdoses surpassed motor vehicle traffic crashes as the leading cause of fatal injuries in 2008 (Figure 1). In 2014, the poisoning death rate was 11.6 deaths per 100,000 residents, and the drug overdose death rate was 10.6, compared to a motor vehicle traffic-related death rate of 6.5 deaths per 100,000 residents.

According to research from the National Alliance for Model State Drug Laws, a majority of states permit combinations of third party prescriptions, mandatory

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training and education, and prescriber immunity. Naloxone distribution programs are endorsed by the American Medical Association as a best practice to prevent overdose-related injuries and deaths.

Impact on the public: Making naloxone hydrochloride more readily available would provide more opportunities to preserve and protect the lives of individuals at risk of overdose-related injuries and deaths.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH 560.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2016.