

JAN 23 2015

S.B. NO. 302

A BILL FOR AN ACT

RELATING TO DRUG OVERDOSE PREVENTION.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **OVERDOSE PREVENTION AND EMERGENCY RESPONSE ACT**

6 **§ -1 Immunity.** (a) The following definitions apply
7 throughout this section:

8 "Health care professional" includes but is not limited to a
9 physician, physician assistant, or nurse practitioner who is
10 authorized to prescribe an opioid antagonist.

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

14 "Opioid-related drug overdose" means a condition including
15 but not limited to extreme physical illness, decreased level of
16 consciousness, respiratory depression, coma, or death resulting
17 from the consumption or use of an opioid, or another substance



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

4 (b) Notwithstanding any other law or regulation, a health
5 care professional otherwise authorized to prescribe an opioid
6 antagonist may, directly or by standing order, prescribe,
7 dispense, and distribute an opioid antagonist to an individual
8 at risk of experiencing an opioid-related overdose or to a
9 family member, friend, or other person in a position to assist
10 an individual at risk of experiencing an opioid-related
11 overdose. Any such prescription shall be regarded as being
12 issued for a legitimate medical purpose in the usual course of
13 professional practice.

14 (c) A health care professional who, acting in good faith
15 and with reasonable care, prescribes or dispenses an opioid
16 antagonist shall not be subject to any criminal or civil
17 liability or any professional disciplinary action for:

- 18 (1) Prescribing or dispensing the opioid antagonist; and
19 (2) Any outcomes resulting from the eventual
20 administration of the opioid antagonist.



1 (d) Notwithstanding any other law or regulation, any
2 person may lawfully possess an opioid antagonist.

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

9 **§ -2 Naloxone hydrochloride administration; emergency**
10 **personnel.** By January 1, 2016, every emergency medical
11 technician licensed and registered in Hawaii shall be authorized
12 to administer an opioid antagonist as clinically indicated.

13 **§ -3 Medicaid coverage.** The department of human
14 services shall ensure that naloxone hydrochloride for outpatient
15 use is covered by the medicaid prescription drug program on the
16 same basis as other covered drugs.

17 **§ -4 Naloxone hydrochloride; pharmacy exemption.** (a)
18 Prescription orders for naloxone hydrochloride are exempt from
19 the pharmacy license requirements and pharmacy permit
20 requirements of chapter 461.



1 (b) Notwithstanding any other law or regulation, a person
2 or organization acting under a standing order issued by a health
3 care professional licensed under chapter 453 who is otherwise
4 authorized to prescribe an opioid antagonist may store an opioid
5 antagonist without being subject to the provisions of chapter
6 328 except part VII of chapter 328, and may dispense an opioid
7 antagonist so long as such activities are undertaken without
8 charge or compensation.

9 **§ -5 Unintentional drug overdose; reporting.** The
10 department of health shall ascertain, document, and publish an
11 annual report on the number of, trends in, patterns in, and risk
12 factors related to unintentional drug overdose fatalities
13 occurring each year within the State. The report shall provide
14 information on interventions that would be effective in reducing
15 the rate of fatal or nonfatal drug overdose.

16 **§ -6 Drug overdose recognition, prevention, and**
17 **response.** The department of health shall provide or establish
18 the following:

19 (1) Education on drug overdose prevention, recognition,
20 and response, including naloxone administration;



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

12 SECTION 2. There is appropriated out of the general

13 revenues of the State of Hawaii the sum of \$ or so

14 much thereof as may be necessary for fiscal year 2015-2016 and

15 the same sum or so much thereof as may be necessary for fiscal

16 year 2016-2017 for drug overdose recognition, prevention, and

17 response, including the distribution and administration of

18 naloxone hydrochloride, as described in section -6, Hawaii

19 Revised Statutes, pursuant to section 1 of this Act.

20 The sums appropriated shall be expended by the department

21 of health for the purposes of this Act.



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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, 2015.
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S.B. NO. 302

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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