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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. Chapter 329E, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§329E-           Restaurants and hotel establishments; opioid  
5 antagonists. (a) The department of health may require all  
6 restaurants and hotel establishments to maintain an available  
7 inventory of an opioid antagonist to respond to an emergency  
8 situation.

9           (b) For purposes of this section:

10           "Hotel establishment" means a hotel, hotel-condominium, or  
11 condominium-hotel as defined in section 486K-1.

12           "Restaurant" shall have the same meaning as in section  
13 321-30.3."

14           SECTION 2. Section 329E-1, Hawaii Revised Statutes, is  
15 amended by adding a new definition to be appropriately inserted  
16 and to read as follows:



1       "Law enforcement officer" means any public servant,  
2 whether employed by the State or a county, vested by law with a  
3 duty to maintain public order, to make arrests for offenses, or  
4 to enforce the criminal laws, whether the duty extends to all  
5 offenses or is limited to a specific class of offenses."

6       SECTION 3. Section 329E-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "~~§~~**§329E-2**~~§~~ **Immunity.** (a) Notwithstanding any other  
9 law to the contrary, a health care professional otherwise  
10 authorized to prescribe an opioid antagonist may, directly or by  
11 standing order, prescribe, dispense, and distribute an opioid  
12 antagonist to:

- 13       (1) An individual at risk of experiencing an opioid-  
14           related drug overdose;
- 15       (2) Another person in a position to assist an individual  
16           at risk of experiencing an opioid-related drug  
17           overdose; or
- 18       (3) A harm reduction organization.

19       ~~[Any such]~~ The prescribing, dispensing, or distributing of  
20 an opioid antagonist pursuant to this chapter shall be regarded



1 as being for a legitimate medical purpose in the usual course of  
2 professional practice.

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

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

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

12 (c) Notwithstanding any other law to the contrary, any  
13 person may lawfully possess an opioid antagonist.

14 Notwithstanding any other law or regulation to the contrary, all  
15 law enforcement officers may carry an opioid antagonist while on  
16 duty.

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



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

3 (e) Funds for the purchase of opioid antagonists for use  
4 under subsection (c) by a law enforcement officer employed by a  
5 county shall come from the general revenues of that county or  
6 that county's share of any opioid litigation proceeds."

7 SECTION 4. Section 329E-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**[+]§329E-3[+]** **Opioid antagonist administration; emergency**  
10 **personnel and first responders.** Beginning on January 1, 2017,  
11 every emergency medical technician licensed and registered in  
12 Hawaii and all law enforcement officers, firefighters, and  
13 lifeguards shall be authorized to administer an opioid  
14 antagonist as clinically indicated~~[-]~~ to an individual  
15 experiencing an opioid-related drug overdose."

16 SECTION 5. Section 329E-7, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**[+]§329E-7[+]** **Opioid-related drug overdose recognition,**  
19 **prevention, and response.** The department of health shall work  
20 with community partners to provide or establish any of the  
21 following:



- 1           (1) Education on opioid-related drug overdose prevention,  
2                    recognition, and response, including opioid antagonist  
3                    administration;
- 4           (2) Training on opioid-related drug overdose prevention,  
5                    recognition, and response, including opioid antagonist  
6                    administration, for patients receiving opioids and  
7                    their families and caregivers;
- 8           (3) Opioid antagonist prescription and distribution  
9                    projects; and
- 10          (4) Education and training projects on opioid-related drug  
11                    overdose response and treatment, including opioid  
12                    antagonist administration, for emergency services  
13                    personnel and law enforcement [~~personnel,~~] officers,  
14                    including volunteer firefighters, lifeguards, and  
15                    emergency services personnel."

16           SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

DOH; Opioid Antagonists; Restaurants; Hotels; Law Enforcement Officers; County Funds; Administration

**Description:**

Authorizes the Department of Health to require all restaurants and hotel establishments to maintain an inventory of an opioid antagonist. Expressly permits law enforcement officers to carry an opioid antagonist while on-duty. Requires funds for the purchase of opioid antagonists used by law enforcement officers employed by a county to be paid for using county funds. Clarifies that emergency personnel and first responders may administer an opioid antagonist to an individual experiencing an opioid-related drug overdose. Effective 7/1/3000. (HD2)

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

