
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
18 with which an opioid was combined, or that a layperson would



1 reasonably believe to be an opioid-related drug overdose that
2 requires medical assistance.

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

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

16 (1) Prescribing, dispensing, or distributing the opioid
17 antagonist; and

18 (2) Any outcomes resulting from the eventual
19 administration of the opioid antagonist.

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



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

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

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

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

(b) Notwithstanding any other law or regulation, a person or organization acting under a standing order issued by a health care professional licensed under chapter 453 who is otherwise



1 authorized to prescribe an opioid antagonist may store an opioid
2 antagonist without being subject to chapter 328 except part VII
3 and may dispense an opioid antagonist without charge or
4 compensation.

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

12 **§ -6 Drug overdose recognition, prevention, and**
13 **response.** The department of health shall provide or establish
14 the following:

15 (1) Education on drug overdose prevention, recognition,
16 and response, including naloxone hydrochloride
17 administration;

18 (2) Training on drug overdose prevention, recognition, and
19 response, including naloxone hydrochloride
20 administration, for patients receiving opioids and
21 their families and caregivers;



(3) Naloxone hydrochloride prescription and distribution projects; and

(4) Education and training projects on drug overdose response and treatment, including naloxone hydrochloride administration, for emergency services and law enforcement personnel, including volunteer fire and emergency services personnel."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2015-2016 and the same sum or so much thereof as may be necessary for fiscal year 2016-2017 for drug overdose recognition, prevention, and response, including the distribution and administration of naloxone hydrochloride, as described in section -6, Hawaii Revised Statutes, pursuant to section 1 of this Act.

The sums appropriated shall be expended by the department of health for the purposes of this Act.

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

SECTION 4. This Act shall take effect on July 1, 2015.



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. (SD1)

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