

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1686

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H.P. 1209

House of Representatives, December 30, 2013

### **An Act To Address Preventable Deaths from Drug Overdose**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GIDEON of Freeport.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: BECK of Waterville, COOPER of Yarmouth, DORNEY of Norridgewock,  
McGOWAN of York, RYKERSON of Kittery, SANBORN of Gorham, WILSON of Augusta,  
Senator: GERZOFKY of Cumberland.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period because the number of drug overdoses and ensuing deaths is on the rise, and this  
5 legislation is needed as soon as possible in order to save lives; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

10           **Be it enacted by the People of the State of Maine as follows:**

11           **Sec. 1. 5 MRSA §20005, sub-§20,** as amended by PL 2005, c. 674, §1, is further  
12 amended to read:

13           **20. Review policies.** Review the full range of public policies and strategies existing  
14 in State Government to identify changes that would strengthen its response, identify  
15 policies that might discourage excessive consumption of alcohol and other drugs and  
16 generate new funding for alcohol and other drug services; ~~and~~

17           **Sec. 2. 5 MRSA §20005, sub-§21,** as enacted by PL 2005, c. 674, §2, is amended  
18 to read:

19           **21. List of banned performance-enhancing substances.** Develop and maintain a  
20 list of banned performance-enhancing substances in accordance with Title 20-A, section  
21 6621-; and

22           **Sec. 3. 5 MRSA §20005, sub-§22** is enacted to read:

23           **22. Grants for drug overdose projects.** Make grants from existing resources for:

24           A. Drug overdose prevention, recognition and response education projects;

25           B. Drug overdose prevention, recognition and response training projects for patients  
26 receiving opioids and their families and caregivers;

27           C. Naloxone hydrochloride prescription or distribution projects; and

28           D. Education and training projects on drug overdose response and treatment for  
29 emergency services and law enforcement personnel, including, but not limited to,  
30 volunteer firefighters and volunteer emergency services personnel.

31           **Sec. 4. 5 MRSA §20010** is enacted to read:

32           **§20010. Report on unintentional drug overdose**

33           The department's office of substance abuse and mental health services shall ascertain  
34 and document and publish an annual report on the number of and trends, patterns and risk  
35 factors related to unintentional drug overdose fatalities occurring within the State each

1 year. The report must also provide information on interventions that would be effective  
2 in reducing the rate of fatal and nonfatal unintentional drug overdose.

3 **Sec. 5. 22 MRSA c. 556-A** is enacted to read:

4 **CHAPTER 556-A**

5 **OPIOIDS**

6 **§2353. Opioid antagonists**

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
8 following terms have the following meanings.

9 A. "Opioid antagonist" means a drug that binds to opioid receptors and blocks or  
10 inhibits the effects of opioids acting on those receptors, including, but not limited to,  
11 naloxone hydrochloride.

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

18 **2. Immunity.** The following provisions govern immunity for persons who prescribe,  
19 possess or administer an opioid antagonist during an opioid-related drug overdose.

20 A. Notwithstanding any other provision of law, a health care professional otherwise  
21 authorized to prescribe an opioid antagonist may, directly or by standing order,  
22 prescribe and dispense an opioid antagonist to a person at risk of experiencing an  
23 opioid-related drug overdose or to a family member or friend of such a person or  
24 another person in a position to assist a person at risk of experiencing an opioid-  
25 related drug overdose. Any such prescription must be regarded as being issued for a  
26 legitimate medical purpose in the usual course of professional practice.

27 B. A health care professional who, acting in good faith and with reasonable care,  
28 prescribes or dispenses an opioid antagonist pursuant to paragraph A is not subject to  
29 criminal or civil liability or any professional disciplinary action for:

30 (1) Such prescribing or dispensing; or

31 (2) Any outcomes resulting from the administration of the opioid antagonist.

32 C. Notwithstanding any other provision of law, a person acting in good faith may  
33 possess an opioid antagonist.

34 D. A person who, acting in good faith and with reasonable care, administers an  
35 opioid antagonist to another person whom the person believes to be experiencing an  
36 opioid-related drug overdose is immune from criminal prosecution, sanction under  
37 any professional licensing statute and civil liability for such act.



1 and Human Services to make grants from existing resources for various drug overdose  
2 prevention projects.