MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 140

H.P. 98

House of Representatives, January 22, 2015

An Act To Expand Access To Lifesaving Opioid Overdose Medication

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

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative BECK of Waterville. Cosponsored by Senator GRATWICK of Penobscot and Representatives: BATES of Westbrook, FECTEAU of Biddeford.

1 Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 22 MRSA §2353, sub-§2, as enacted by PL 2013, c. 579, §1, is amended 3 to read: 4 2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride is governed by this subsection. 5 6 A. A health care professional may directly or by standing order prescribe naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug 7 8 overdose. 9 B. An individual to whom naloxone hydrochloride is prescribed in accordance with 10 paragraph A may provide the naloxone hydrochloride so prescribed to a member of 11 that individual's immediate family to possess and administer to the individual if the 12 family member believes in good faith that the individual is experiencing an opioidrelated drug overdose. 13 14 C. A health care professional may directly or by standing order prescribe naloxone hydrochloride to a member of an individual's immediate family for administration to 15 the individual in the event of or a friend of the individual or to another person in a 16 position to assist the individual if the individual is at risk of experiencing an opioid-17 18 related drug overdose if:. 19 (1) The health care professional has an established health care professionalpatient relationship with the individual; and 20 21 (2) The individual is at risk of experiencing an opioid-related drug overdose. 22 A health care professional who prescribes naloxone hydrochloride to a member of an 23 individual's immediate family in accordance with this paragraph shall document in the individual's patient medical record the name of each family member who receives 24 25 such a prescription and the health care professional's intention that the naloxone 26 hydrochloride be administered to the individual. 27 D. If a member of an individual's immediate family, friend of the individual or other 28 person is prescribed naloxone hydrochloride in accordance with paragraph C, that 29 family member, friend or other person may administer the naloxone hydrochloride to 30 the individual if the family member, friend or other person believes in good faith that 31 the individual is experiencing an opioid-related drug overdose. 32 E. A health care practitioner who prescribes and a person who administers naloxone 33 hydrochloride pursuant to this subsection are immune from any civil or criminal liability for actions authorized by this subsection. 34 35 Nothing in this subsection affects the provisions of law relating to maintaining the confidentiality of medical records. 36 37 **Sec. 2. 22 MRSA §2353, sub-§4** is enacted to read:

criminal prosecution is provided as follows.

4. Drug-related overdose treatment; limited immunity. Limited immunity from

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A. A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be prosecuted for a violation of Title 17-A, section 1107-A, subsection 1, paragraph C if the evidence for prosecution under that section was obtained as a result of the person's seeking medical assistance for an individual experiencing an opioid-related drug overdose.

B. A person who experiences a drug-related overdose and is in need of medical assistance may not be prosecuted for a violation of Title 17-A, section 1107-A, subsection 1, paragraph C if the evidence for prosecution under that section was obtained as a result of the person's experiencing an opioid-related drug overdose and need for medical assistance.

Nothing in this subsection may be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes committed by a person who otherwise qualifies for limited immunity under this subsection.

14 SUMMARY

This bill allows for the prescription of naloxone hydrochloride by standing order. It allows for the prescription of naloxone hydrochloride to friends of and other persons in a position to assist an individual at risk of experiencing an opioid-related drug overdose in addition to immediate family members. It provides for immunity from civil and criminal liability for the prescription and administration of naloxone hydrochloride for prescribers and those who administer the drug. It creates a limited immunity from criminal prosecution for those who seek medical assistance when a person is experiencing an opioid-related drug overdose.