

MAINE STATE LEGISLATURE

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ROBS

Majority

L.D. 1547

Date: 3/30/16

(Filing No. H-619)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1054, L.D. 1547, Bill, "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders"

Amend the bill by striking out the title and substituting the following:

'An Act To Facilitate Access to Naloxone Hydrochloride'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, the State is facing a crisis due to the number of deaths due to drug overdoses; and

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

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

Sec. 1. 22 MRSA §2353, sub-§1, ¶D is enacted to read:

D. "Pharmacist" means a pharmacist authorized to dispense naloxone hydrochloride pursuant to Title 32, section 13815.

Sec. 2. 22 MRSA §2353, sub-§2, as amended by PL 2015, c. 351, §1, is further amended to read:

2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride is governed by this subsection.

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 overdose.

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COMMITTEE AMENDMENT "A" to H.P. 1054, L.D. 1547

1 A-1. A pharmacist may dispense naloxone hydrochloride in accordance with
2 protocols established under Title 32, section 13815 to an individual at risk of
3 experiencing an opioid-related drug overdose.

4 B. An individual to whom naloxone hydrochloride is prescribed or dispensed in
5 accordance with paragraph A or A-1 may provide the naloxone hydrochloride so
6 prescribed or dispensed to a member of that individual's immediate family to possess
7 and administer to the individual if the family member believes in good faith that the
8 individual is experiencing an opioid-related drug overdose.

9 C. A health care professional may directly or by standing order prescribe naloxone
10 hydrochloride to a member of an individual's immediate family or a friend of the
11 individual or to another person in a position to assist the individual if the individual is
12 at risk of experiencing an opioid-related drug overdose.

13 C-1. A pharmacist may dispense naloxone hydrochloride in accordance with
14 protocols established under Title 32, section 13815 to a member of an individual's
15 immediate family or a friend of the individual or to another person in a position to
16 assist the individual if the individual is at risk of experiencing an opioid-related drug
17 overdose.

18 D. If a member of an individual's immediate family, friend of the individual or other
19 person is prescribed or provided naloxone hydrochloride in accordance with
20 paragraph C or C-1, that family member, friend or other person may administer the
21 naloxone hydrochloride to the individual if the family member, friend or other person
22 believes in good faith that the individual is experiencing an opioid-related drug
23 overdose.

24 Nothing in this subsection affects the provisions of law relating to maintaining the
25 confidentiality of medical records.

26 **Sec. 3. 22 MRSA §2353, sub-§3**, as enacted by PL 2013, c. 579, §1, is amended
27 to read:

28 **3. Authorized administration of naloxone hydrochloride by law enforcement**
29 **officers and municipal firefighters.** A law enforcement agency as defined in Title 25,
30 section 3701, subsection 1 or a municipal fire department as defined in Title 30-A,
31 section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to
32 be administered in accordance with this subsection. A law enforcement officer as defined
33 in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law
34 enforcement agency, and a municipal firefighter as defined in Title 30-A, section 3151,
35 subsection 2, in accordance with policies adopted by the municipality, may administer
36 intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has
37 received medical training in accordance with protocols adopted by the Medical Direction
38 and Practices Board established in Title 32, section 83, subsection 16-B. The Medical
39 Direction and Practices Board shall establish medical training protocols for law
40 enforcement officers and municipal firefighters pursuant to this subsection.

41 **Sec. 4. 22 MRSA §2353, sub-§5** is enacted to read:

42 **5. Immunity.** The following provisions provide immunity for actions taken in
43 accordance with this section.

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1 A. A health care professional or a pharmacist, acting in good faith and with
2 reasonable care, is immune from criminal and civil liability and is not subject to
3 professional disciplinary action for storing, dispensing or prescribing naloxone
4 hydrochloride in accordance with this section or for any outcome resulting from such
5 actions.

6 B. A person, acting in good faith and with reasonable care, is immune from criminal
7 and civil liability and is not subject to professional disciplinary action for possessing
8 or providing to another person naloxone hydrochloride in accordance with this
9 section or for administering naloxone hydrochloride in accordance with this section
10 to an individual whom the person believes in good faith is experiencing an opioid-
11 related drug overdose or for any outcome resulting from such actions.

12 Sec. 5. 32 MRSA c. 117, sub-c. 11-A is enacted to read:

13 **SUBCHAPTER 11-A**

14 **DISPENSING OF NALOXONE HYDROCHLORIDE**

15 **§13815. Authorization**

16 The board by rule shall establish procedures and standards for authorizing
17 pharmacists to dispense naloxone hydrochloride. The rules must establish adequate
18 training requirements and protocols for dispensing naloxone hydrochloride by
19 prescription drug order or standing order or pursuant to a collaborative practice
20 agreement. Rules adopted under this section are routine technical rules as defined in Title
21 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this
22 section to dispense naloxone hydrochloride may dispense naloxone hydrochloride in
23 accordance with Title 22, section 2353.

24 **Sec. 6. Adoption of rules.** The Maine Board of Pharmacy shall adopt rules
25 pursuant to the Maine Revised Statutes, Title 32, section 13815 no later than July 1, 2017.

26 **Emergency clause.** In view of the emergency cited in the preamble, this
27 legislation takes effect when approved.'

28 **SUMMARY**

29 This amendment, which is the majority report of the committee, replaces the bill,
30 which establishes a fund for bulk purchases of naloxone hydrochloride for use by first
31 responders.

32 This amendment directs the Maine Board of Pharmacy to establish by rule procedures
33 and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules
34 must establish adequate training requirements and protocols for dispensing naloxone
35 hydrochloride by prescription drug order or standing order or pursuant to a collaborative
36 practice agreement.

37 This amendment clarifies current law to allow first responders to obtain the naloxone
38 hydrochloride that they are authorized to administer.



Revised: 03/29/16 *MAC*

127th MAINE LEGISLATURE

LD 1547

LR 2469(02)

An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-619)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, associated with the rulemaking process can be absorbed within existing budgeted resources.