

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 772

H.P. 577

House of Representatives, March 5, 2021

**An Act To Permit Naloxone Possession, Prescription,
Administration and Distribution in Public and Private Schools**

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Cape Elizabeth.

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

2 **Sec. 1. 20-A MRSA §6307** is enacted to read:

3 **§6307. Naloxone hydrochloride possession, prescription, administration and**
4 **distribution**

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

7 A. "Collaborative practice agreement" means a written and signed agreement between
8 a physician licensed in this State or a school health advisor and a school nurse that
9 provides for the possession, prescription, administration and distribution of naloxone
10 hydrochloride by the physician or school health advisor and administration of naloxone
11 hydrochloride by the school nurse or designated school personnel to students, staff or
12 visitors during school or a school-sponsored activity or otherwise on school grounds
13 under emergency circumstances involving an opioid overdose or apparent opioid
14 overdose.

15 B. "Designated school personnel" means those employees, agents or volunteers of a
16 school administrative unit or approved private school designated by a collaborative
17 practice agreement who have completed the training required by the guidelines
18 developed pursuant to subsection 8 to administer naloxone hydrochloride to a student,
19 staff member or visitor.

20 C. "Naloxone hydrochloride" means medication, in a noninjectable form, administered
21 to reverse the effects of opioids in the emergency treatment of an opioid overdose.

22 D. "School" means a public or approved private school.

23 E. "School health advisor" means a physician or family or pediatric nurse practitioner
24 appointed to act as a school health advisor pursuant to section 6402-A.

25 F. "School nurse" means a nurse appointed to serve as a school nurse pursuant to
26 section 6403-A.

27 **2. Collaborative practice agreement; adoption authorized.** A school administrative
28 unit or an approved private school may authorize adoption of a collaborative practice
29 agreement for the purposes of stocking, possessing and administering naloxone
30 hydrochloride as provided under this section. The administration of naloxone
31 hydrochloride in accordance with this section is not the practice of medicine.

32 **3. Collaborative practice agreement; authority.** A collaborative practice agreement
33 permits a physician licensed in this State or school health advisor to prescribe naloxone
34 hydrochloride and direct a school nurse to administer naloxone hydrochloride in good faith
35 to any student, staff member or visitor experiencing an apparent opioid overdose during
36 school or a school-sponsored activity or otherwise on school grounds. Pursuant to a
37 collaborative practice agreement, a physician licensed in this State or school health advisor
38 may authorize the school nurse during school or a school-sponsored activity or otherwise
39 on school grounds to designate designated school personnel to administer naloxone
40 hydrochloride if the school nurse is not present when a student, staff member or visitor
41 experiences a suspected opioid overdose.

42 **4. Collaborative practice agreement; terms and provisions.** A collaborative
43 practice agreement must include the following information:

1 A. Name and address of the school;

2 B. Identification and signatures of the physician or school health advisor and school
3 nurse who are parties to the collaborative practice agreement, the dates the agreement
4 is signed by each party and the beginning and end dates of the period of time within
5 which the agreement is in effect; and

6 C. Any other information considered appropriate by the physician or school health
7 advisor and school nurse.

8 **5. Use of naloxone hydrochloride without a collaborative practice agreement.** If
9 a collaborative practice agreement has not been adopted pursuant to subsection 2, the
10 governing body of a school administrative unit or an approved private school may authorize
11 a school nurse to:

12 A. Stock and possess naloxone hydrochloride prescribed by a legally authorized
13 individual; and

14 B. Administer naloxone hydrochloride prescribed by a legally authorized individual
15 to any student, staff member or visitor that the school nurse, based on the school nurse's
16 professional judgment, suspects to be experiencing an opioid overdose.

17 The administration of naloxone hydrochloride in accordance with this subsection is not the
18 practice of medicine.

19 **6. Manufacturer or supplier arrangement.** A school administrative unit or an
20 approved private school may enter into an arrangement with a manufacturer of naloxone
21 hydrochloride or a 3rd-party supplier of naloxone hydrochloride to obtain naloxone
22 hydrochloride at fair market prices, reduced prices or no cost.

23 **7. Purchase from licensed pharmacies.** A collaborative practice agreement under
24 this section may provide that a school administrative unit or an approved private school
25 may purchase naloxone hydrochloride from a pharmacy licensed in this State.

26 **8. Guidelines.** By January 1, 2022, and as needed after that date, the department in
27 consultation with the Department of Health and Human Services shall develop and make
28 available to all schools guidelines for the management of opioid overdose during school or
29 a school-sponsored activity or otherwise on school grounds. The guidelines must include,
30 but are not limited to:

31 A. Education and training for school personnel on recognition of opioid overdose,
32 rescue breathing and the administration of naloxone hydrochloride; and

33 B. Procedures for responding to opioid overdose.

34 SUMMARY

35 This bill provides for the administration of naloxone hydrochloride in a noninjectable
36 form to students, school staff and school visitors through collaborative practice agreements
37 between physicians licensed in this State or school health advisors and public and private
38 school nurses.