

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2016**

I. Complaint investigation procedures; and

J. Criteria for decertification of hypodermic apparatus exchange programs.

Rules adopted or amended pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 22 MRSA §1341, sub-§4** is enacted to read:

**4. Funding.** This subsection governs the use of state funds for hypodermic apparatus exchange programs certified pursuant to this section. This subsection is not intended to limit the ability of certified programs to secure other sources of funding or to discourage fund-raising for the purpose of operating such programs. The Maine Center for Disease Control and Prevention shall allocate any funds appropriated for hypodermic apparatus exchange programs among new and existing certified programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program; if applicable, the amount of services historically provided by the certified program; and other relevant factors. The award of funds must occur not later than 60 days after the effective date of this subsection and annually thereafter based on the availability of funding.

See title page for effective date.

## CHAPTER 508

### H.P. 1054 - L.D. 1547

#### An Act To Facilitate Access to Naloxone Hydrochloride

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.

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

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

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

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

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

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

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

**3. Authorized administration of naloxone hydrochloride by law enforcement officers and municipal firefighters.** A law enforcement agency as defined in Title 25, section 3701, subsection 1 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer intranasal naloxone hydrochloride as

clinically indicated if the officer or firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers and municipal firefighters pursuant to this subsection.

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

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

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

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

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

**SUBCHAPTER 11-A**  
**DISPENSING OF NALOXONE**  
**HYDROCHLORIDE**

**§13815. Authorization**

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

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

See title page for effective date.

**CHAPTER 509**

**S.P. 601 - L.D. 1540**

**An Act To Protect All Students  
in Elementary or Secondary  
Schools from Sexual Assault by  
School Officials**

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

**Sec. 1. 17-A MRSA §253, sub-§2, ¶F**, as amended by PL 2001, c. 383, §15 and affected by §156, is amended to read:

F. The other person, not the actor's spouse, ~~has not in fact attained the age of 18 years and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;

**Sec. 2. 17-A MRSA §255-A, sub-§1, ¶¶K and L**, as enacted by PL 2001, c. 383, §23 and affected by §156, are amended to read:

K. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

L. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

**Sec. 3. 17-A MRSA §260, sub-§1, ¶F**, as enacted by PL 2003, c. 138, §5, is amended to read:

F. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

**Sec. 4. 19-A MRSA §1653, sub-§6-A**, as amended by PL 2011, c. 597, §4, is further amended to read: