

CHAPTER 556-A**OPIOIDS****§2353. Naloxone hydrochloride or another opioid overdose-reversing medication****(CONFLICT)****(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

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

A. "Health care professional" means a person licensed under Title 32 who is authorized to prescribe naloxone hydrochloride or another opioid overdose-reversing medication. [PL 2023, c. 161, §3 (AMD).]

A-1. "Another opioid overdose-reversing medication" means a medication approved by the federal Food and Drug Administration for the immediate treatment of an opioid overdose. [PL 2023, c. 161, §3 (NEW).]

B. "Immediate family" has the same meaning as set forth in Title 21-A, section 1, subsection 20. [PL 2013, c. 579, §1 (NEW).]

C. "Opioid-related drug overdose" means a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or a condition that a reasonable person would believe to be an opioid-related drug overdose that requires medical assistance. [PL 2013, c. 579, §1 (NEW).]

D. "Pharmacist" means a pharmacist authorized to prescribe and dispense naloxone hydrochloride or another opioid overdose-reversing medication pursuant to Title 32, section 13815. [PL 2023, c. 161, §3 (AMD).]

E. "Recovery residence" means a shared living residence for individuals recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. [PL 2019, c. 292, §2 (NEW).]

F. "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or correctional facility pursuant to an order of a court or as a result of an arrest. [PL 2021, c. 605, §1 (NEW).]
[PL 2023, c. 161, §3 (AMD).]

2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride or another opioid overdose-reversing medication is governed by this subsection.

A. A health care professional may directly or by standing order prescribe naloxone hydrochloride or another opioid overdose-reversing medication to an individual at risk of experiencing an opioid-related drug overdose. [PL 2023, c. 161, §3 (AMD).]

A-1. A pharmacist may prescribe and dispense naloxone hydrochloride or another opioid overdose-reversing medication in accordance with protocols established under Title 32, section 13815 to an individual of any age at risk of experiencing an opioid-related drug overdose. [PL 2023, c. 161, §3 (AMD).]

A-2. [PL 2017, c. 417, §2 (RP).]

B. An individual to whom naloxone hydrochloride or another opioid overdose-reversing medication is prescribed or dispensed in accordance with paragraph A or A-1 may provide the naloxone hydrochloride or another opioid overdose-reversing medication 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. [PL 2023, c. 161, §3 (AMD).]

C. A health care professional may directly or by standing order prescribe naloxone hydrochloride or another opioid overdose-reversing medication 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. [PL 2023, c. 161, §3 (AMD).]

C-1. A pharmacist may prescribe and dispense naloxone hydrochloride or another opioid overdose-reversing medication in accordance with protocols established under Title 32, section 13815 to a person of any age who is 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. [PL 2023, c. 161, §3 (AMD).]

C-2. [PL 2017, c. 417, §4 (RP).]

D. If a member of an individual's immediate family, friend of the individual or other person is prescribed or provided naloxone hydrochloride or another opioid overdose-reversing medication in accordance with paragraph C or C-1, that family member, friend or other person may administer the naloxone hydrochloride or another opioid overdose-reversing medication 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. [PL 2023, c. 161, §3 (AMD).]

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

[PL 2023, c. 161, §3 (AMD).]

2-A. Dispensing of naloxone hydrochloride or another opioid overdose-reversing medication by emergency medical services persons, ambulance services and nontransporting emergency medical services. Notwithstanding any provision of law to the contrary, pursuant to a standing order issued in accordance with protocols developed by the Medical Direction and Practices Board pursuant to Title 32, section 88-B, subsection 1, paragraph A, an emergency medical services person, ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B may dispense naloxone hydrochloride or another opioid overdose-reversing medication to an individual of any age at risk of experiencing an opioid-related drug overdose or to a member of the individual's immediate family, a friend of the individual or another person in a position to assist the individual if the individual is at risk of experiencing an opioid-related drug overdose. [PL 2023, c. 161, §3 (AMD).]

3. (FUTURE CONFLICT: Text as amended by PL 2023, c. 161, §3) Authorized administration and dispensing of naloxone hydrochloride or another opioid overdose-reversing medication by law enforcement officers, corrections officers and municipal firefighters. A law enforcement agency as defined in Title 25, section 3701, subsection 1, a regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride or another opioid overdose-reversing medication to be administered or dispensed 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, a corrections officer, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by

the municipality, may administer or dispense intranasal naloxone hydrochloride or another opioid overdose-reversing medication as clinically indicated if the law enforcement officer, corrections officer or municipal 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, corrections officers and municipal firefighters pursuant to this subsection.

[PL 2023, c. 161, §3 (AMD).]

3. (TEXT EFFECTIVE 1/1/24) (FUTURE CONFLICT: Text as amended by PL 2023, c. 153, §1) Authorized administration and dispensing of naloxone hydrochloride by corrections officers and municipal firefighters. A regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 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 or dispensed in accordance with this subsection. A corrections officer, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the corrections officer or municipal 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 corrections officers and municipal firefighters pursuant to this subsection.

[PL 2023, c. 153, §1 (AMD); PL 2023, c. 153, §3 (AFF).]

3-A. (TEXT EFFECTIVE 1/1/24) Authorized administration, dispensing and carrying of naloxone hydrochloride by law enforcement officers. A law enforcement agency as defined in Title 25, section 3701, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered or dispensed 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, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the law enforcement officer 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. A law enforcement officer who performs duties as a uniformed patrol officer, in accordance with policies adopted by the law enforcement agency, shall carry naloxone hydrochloride at all times when on duty, obtain medical training in accordance with protocols adopted by the Medical Direction and Practices Board and administer or dispense intranasal naloxone hydrochloride as clinically indicated. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers pursuant to this subsection.

[PL 2023, c. 153, §2 (NEW); PL 2023, c. 153, §3 (AFF).]

4. Community-based drug overdose prevention programs; standing orders for naloxone hydrochloride or another opioid overdose-reversing medication. Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride or another opioid overdose-reversing medication, a public health agency that provides services to populations at high risk for a drug overdose may establish an overdose prevention program in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, an overdose prevention program established under this subsection may store and dispense naloxone hydrochloride or another opioid overdose-reversing medication without being subject to the provisions of Title 32, chapter 117 as long as these activities are undertaken without charge or compensation. [PL 2023, c. 161, §3 (AMD).]

B. An overdose prevention program established under this subsection may distribute unit-of-use packages of naloxone hydrochloride or another opioid overdose-reversing medication and the

medical supplies necessary to administer the naloxone hydrochloride or another opioid overdose-reversing medication to a person who has successfully completed training provided by the overdose prevention program that meets the protocols and criteria established by the department, so that the person may possess and administer naloxone hydrochloride or another opioid overdose-reversing medication to an individual who appears to be experiencing an opioid-related drug overdose. [PL 2023, c. 161, §3 (AMD).]

C. With the express consent of a municipality, an overdose prevention program established under this subsection may provide and maintain naloxone hydrochloride in a wall-mounted box or other visible and accessible container on publicly accessible property of the municipality, including a municipal building, public restroom, public library or public park or recreational facility, for use by a member of the public in response to an opioid-related drug overdose. [PL 2023, c. 71, §1 (NEW).]

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 71, §1 (AMD); PL 2023, c. 161, §3 (AMD).]

4-A. Recovery residences; standing orders for naloxone hydrochloride or another opioid overdose-reversing medication. Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride or another opioid overdose-reversing medication, a recovery residence shall operate in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, a recovery residence shall store and dispense naloxone hydrochloride or another opioid overdose-reversing medication and is not subject to the provisions of Title 32, chapter 117. The recovery residence shall store on site at least 2 units of naloxone hydrochloride or another opioid overdose-reversing medication for each floor of the recovery residence. [PL 2023, c. 161, §3 (AMD).]

B. A recovery residence shall provide training in administration of naloxone hydrochloride or another opioid overdose-reversing medication that meets the protocols and criteria established by the department, and residents of the recovery residence, employees of the recovery residence and all other persons involved in the administration of a recovery residence shall successfully complete the training. [PL 2023, c. 161, §3 (AMD).]

C. A licensed health care professional authorized by law to prescribe naloxone hydrochloride or another opioid overdose-reversing medication shall distribute unit-of-use packages of naloxone hydrochloride or another opioid overdose-reversing medication and any medical supplies necessary to administer the naloxone hydrochloride or another opioid overdose-reversing medication to a recovery residence that has provided training described in paragraph B so that the recovery residence may possess and administer naloxone hydrochloride or another opioid overdose-reversing medication to an individual who appears to be experiencing a drug-related overdose. [PL 2023, c. 161, §3 (AMD).]

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 161, §3 (AMD).]

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 or another opioid overdose-reversing

medication in accordance with this section or for any outcome resulting from such actions. [PL 2023, c. 161, §3 (AMD).]

B. (CONFLICT: Text as amended by PL 2023, c. 154, §1) A person described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride, 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. [PL 2023, c. 154, §1 (AMD).]

B. (CONFLICT: Text as amended by PL 2023, c. 161, §3) 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 or another opioid overdose-reversing medication in accordance with this section or for administering naloxone hydrochloride or another opioid overdose-reversing medication 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. [PL 2023, c. 161, §3 (AMD).]

C. A municipality or overdose prevention program is immune from criminal and civil liability for providing or maintaining naloxone hydrochloride containers under subsection 4, paragraph C. [PL 2023, c. 71, §2 (NEW).]

D. A person not described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for providing to another person naloxone hydrochloride or for administering naloxone hydrochloride 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. [PL 2023, c. 154, §2 (NEW).]

[PL 2023, c. 71, §2 (AMD); PL 2023, c. 154, §§1, 2 (AMD); PL 2023, c. 161, §3 (AMD).]

SECTION HISTORY

PL 2013, c. 579, §1 (NEW). RR 2015, c. 1, §19 (COR). PL 2015, c. 351, §§1, 2 (AMD). PL 2015, c. 508, §§1-4 (AMD). PL 2017, c. 220, §1 (AMD). PL 2017, c. 249, §1 (AMD). PL 2017, c. 364, §§1-5 (AMD). PL 2017, c. 417, §§1-4 (AMD). PL 2019, c. 292, §§2, 3 (AMD). PL 2021, c. 161, §1 (AMD). PL 2021, c. 605, §§1, 2 (AMD). PL 2023, c. 71, §§1, 2 (AMD). PL 2023, c. 153, §§1, 2 (AMD). PL 2023, c. 153, §3 (AFF). PL 2023, c. 154, §§1, 2 (AMD). PL 2023, c. 161, §3 (AMD).

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