1	L.D. 1547
2	Date: (Filing No. H-)
3	HEALTH AND HUMAN SERVICES
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	127TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 1054, L.D. 1547, Bill, "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders"
11	Amend the bill by striking out the title and substituting the following:
12	'An Act To Facilitate Access to Naloxone Hydrochloride'
13 14	Amend the bill by striking out everything after the title and before the summary and inserting the following:
15 16	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
17 18	Whereas, the State is facing a crisis due to the number of deaths due to drug overdoses; and
19 20 21 22	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,
23	Be it enacted by the People of the State of Maine as follows:
24	Sec. 1. 22 MRSA §2353, sub-§1, ¶D is enacted to read:
25 26	D. "Pharmacist" means a pharmacist authorized to dispense naloxone hydrochloride pursuant to Title 32, section 13815.
27 28	Sec. 2. 22 MRSA §2353, sub-§2, as amended by PL 2015, c. 351, §1, is further amended to read:
29 30	2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride is governed by this subsection.
31 32 33	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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- 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 <u>or dispensed</u> in accordance with paragraph A <u>or A-1</u> may provide the naloxone hydrochloride so prescribed <u>or dispensed</u> 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.
- 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.
- 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 <u>or provided</u> naloxone hydrochloride in accordance with paragraph C <u>or C-1</u>, 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:

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, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to 31 be administered in accordance with this subsection. A law enforcement officer as defined 32 in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law 33 enforcement agency, and a municipal firefighter as defined in Title 30-A, section 3151, 34 subsection 2, in accordance with policies adopted by the municipality, may administer 35 intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has 36 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 Direction and Practices Board shall establish medical training protocols for law 39 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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1A. A health care professional or a pharmacist, acting in good faith and with2reasonable care, is immune from criminal and civil liability and is not subject to3professional disciplinary action for storing, dispensing or prescribing naloxone4hydrochloride in accordance with this section or for any outcome resulting from such5actions.

6B. A person, acting in good faith and with reasonable care, is immune from criminal7and civil liability and is not subject to professional disciplinary action for possessing8or providing to another person naloxone hydrochloride in accordance with this9section or for administering naloxone hydrochloride in accordance with this section10to an individual whom the person believes in good faith is experiencing an opioid-11related 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:

SUBCHAPTER 11-A

DISPENSING OF NALOXONE HYDROCHLORIDE

15 §13815. Authorization

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

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.'

SUMMARY

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

This amendment directs the Maine Board of Pharmacy to establish by rule 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.

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

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1	This amendment provides criminal, civil and professional disciplinary immunities for
2	persons who, acting in good faith and with reasonable care, possess, store, prescribe,
3	dispense or administer naloxone hydrochloride in accordance with the governing law.
4	This amendment also adds an emergency preamble and emergency clause.
5	FISCAL NOTE REQUIRED
6	(See attached)

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