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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 98, L.D. 140, Bill, "An Act To Expand Access To Lifesaving Opioid Overdose Medication"

Amend the bill in section 1 in subsection 2 by striking out all of paragraph E (page 1, lines 32 to 34 in L.D.)

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 22 MRSA §2353, sub-§§4 and 5 are enacted to read:

4. Community-based drug overdose prevention programs; standing orders for naloxone hydrochloride. Acting under standing orders from a licensed healthcare professional authorized by law to prescribe naloxone hydrochloride, 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 other provision of law, an overdose prevention program established under this subsection may store and dispense naloxone hydrochloride without being subject to the provisions of Title 32, chapter 117 as long as these activities are undertaken without charge or compensation.

B. An overdose prevention program established under this subsection may distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride 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 to an individual who appears to be experiencing an opioid-related drug overdose.

C. A person acting on behalf of an overdose prevention program established under this subsection is immune from civil or criminal liability for providing education on opioid-related drug overdose prevention or for purchasing, acquiring, distributing or possessing naloxone hydrochloride unless the person's actions constitute recklessness, gross negligence or intentional misconduct.

COMMITTEE AMENDMENT

1 The department shall adopt rules to implement this subsection. Rules adopted pursuant to
 2 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
 3 2-A.

4 **5. Opioid-related drug overdose treatment; limited immunity.** Limited immunity
 5 from criminal prosecution is provided as follows.

6 A. A person acting in good faith who seeks medical assistance for an individual
 7 experiencing an opioid-related drug overdose may not be prosecuted for a violation
 8 of Title 17-A, sections 1107-A, 1108, 1111 or 1111-A if the evidence for prosecution
 9 under those sections was obtained as a result of the person's seeking medical
 10 assistance for an individual experiencing an opioid-related drug overdose.

11 B. A person who experiences an opioid-related drug overdose and is in need of
 12 medical assistance may not be prosecuted for a violation of Title 17-A, sections
 13 1107-A, 1108, 1111 or 1111-A if the evidence for prosecution under those sections
 14 was obtained as a result of the person's experiencing an opioid-related drug overdose
 15 and need for medical assistance.

16 Nothing in this subsection may be construed to bar the admissibility of any evidence
 17 obtained in connection with the investigation and prosecution of other crimes committed
 18 by a person who otherwise qualifies for limited immunity under this subsection.

19 **Sec. 3. Appropriations and allocations.** The following appropriations and
 20 allocations are made.

21 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

22 **Medical Care - Payments to Providers 0147**

23 Initiative: Provides funding to allow for the prescription of naloxone hydrochloride by
 24 standing order to friends of and other persons in a position to assist an individual at risk
 25 of experiencing an opioid-related drug overdose in addition to immediate family
 26 members.

| | | | |
|----|---------------------|-----------------|-----------------|
| 27 | GENERAL FUND | 2015-16 | 2016-17 |
| 28 | All Other | \$28,448 | \$28,296 |
| 29 | | | |
| 30 | GENERAL FUND TOTAL | <u>\$28,448</u> | <u>\$28,296</u> |

| | | | |
|----|----------------------------------|-----------------|-----------------|
| 31 | FEDERAL EXPENDITURES FUND | 2015-16 | 2016-17 |
| 32 | All Other | \$47,352 | \$47,504 |
| 33 | | | |
| 34 | FEDERAL EXPENDITURES FUND TOTAL | <u>\$47,352</u> | <u>\$47,504</u> |

36 **SUMMARY**

37 This amendment, which is the majority report of the committee, retains the provisions
 38 from the bill that allow for the prescription of naloxone hydrochloride by standing order

1 and allow for the prescription of naloxone hydrochloride to friends of and other persons
2 in a position to assist an individual at risk of experiencing an opioid-related drug
3 overdose, in addition to immediate family members as currently permitted in law. Like
4 the bill, it creates a limited immunity from criminal prosecution for those who seek
5 medical assistance when a person is experiencing an opioid-related drug overdose.

6 The amendment also allows for the prescription of naloxone hydrochloride by
7 standing order to a public health agency operating an overdose prevention program in
8 accordance with rules adopted by the Department of Health and Human Services. The
9 amendment provides immunity from civil or criminal prosecution to persons acting on
10 behalf of an overdose prevention program for providing education on opioid-related drug
11 overdose prevention or for purchasing, acquiring, distributing or possessing naloxone
12 hydrochloride unless the person's actions constitute recklessness, gross negligence or
13 intentional misconduct.

14 **FISCAL NOTE REQUIRED**

15 **(See attached)**