

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—
H.P. 98 - L.D. 140

An Act To Expand Access To Lifesaving Opioid Overdose Medication

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

Sec. 1. 22 MRSA §2353, sub-§2, as enacted by PL 2013, c. 579, §1, is 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.

B. An individual to whom naloxone hydrochloride is prescribed in accordance with paragraph A may provide the naloxone hydrochloride so prescribed 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 ~~for administration to the individual in the event of~~ 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 if:

~~(1) The health care professional has an established health care professional-patient relationship with the individual; and~~

~~(2) The individual is at risk of experiencing an opioid-related drug overdose.~~

~~A health care professional who prescribes naloxone hydrochloride to a member of an individual's immediate family in accordance with this paragraph shall document in the individual's patient medical record the name of each family member who receives such a prescription and the health care professional's intention that the naloxone hydrochloride be administered to the individual.~~

D. If a member of an individual's immediate family, friend of the individual or other person is prescribed naloxone hydrochloride in accordance with paragraph C, 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. 2. 22 MRSA §2353, sub-§4 is 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.

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.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

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

GENERAL FUND	2015-16	2016-17
All Other	\$28,448	\$28,296
	<hr/>	<hr/>

GENERAL FUND TOTAL	\$28,448	\$28,296
FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$47,352	\$47,504
FEDERAL EXPENDITURES FUND TOTAL	<u>\$47,352</u>	<u>\$47,504</u>