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An Act To Prevent Drug Overdose Deaths by Enhancing Access to Opioid Antagonists

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

Sec. 1. 22 MRSA §2353, as enacted by PL 2013, c. 579, §1, is repealed.

Sec. 2. 22 MRSA §2353-A is enacted to read:

§ 2353-A. Opioid antagonists

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

A. "Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride, naltrexone and other medicines of the same class as naloxone hydrochloride and naltrexone.

B. "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 person would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Immunity. The following provisions govern immunity for persons who prescribe, possess or administer an opioid antagonist during an opioid-related drug overdose.

A. Notwithstanding any other provision of law, a health care practitioner otherwise authorized to prescribe an opioid antagonist may, directly or by standing order, prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose or to a family member or friend of such a person or another person in a position to assist a person at risk of experiencing an opioid-related drug overdose. Any such prescription must be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

B. A health care practitioner who, acting in good faith and with reasonable care, prescribes or dispenses an opioid antagonist pursuant to paragraph A is not subject to criminal or civil liability or any professional disciplinary action for:

(1) Such prescribing or dispensing; or

(2) Any outcomes resulting from the administration of the opioid antagonist.

C. Notwithstanding any other provision of law, a person acting in good faith may possess an opioid antagonist.

D. A person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be experiencing an opioid-related drug overdose is immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.

3. Exemption from pharmacy license for standing orders for opioid antagonists.

Notwithstanding any other provision of law, a person acting under a standing order issued by a health care practitioner who is otherwise authorized to prescribe an opioid antagonist may store and dispense an opioid antagonist without being subject to the provisions of Title 32, chapter 117 as long as these activities are undertaken without charge or compensation.

4. Drug therapy information sheet. For each opioid antagonist drug therapy initiated in accordance with this section, the licensed pharmacist dispensing the opioid antagonist shall provide the recipient of the opioid antagonist with a standardized fact sheet developed by the Maine Board of Pharmacy that includes, but is not limited to, the indications for use of the drug, the appropriate method for using the drug, the potential need for medical follow-up and referral information, information on opioid-related drug overdose and other appropriate information.

5. Confidentiality. Nothing in this section affects the provisions of law relating to maintaining the confidentiality of medical records.

SUMMARY

This bill authorizes the prescription, possession and administration of opioid antagonists under certain circumstances and provides criminal and civil immunities for such prescription, possession and administration.