

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

H.P. 449 - L.D. 710

**An Act to Expand Access and Reduce Barriers to Access to Naloxone Hydrochloride and Other Opioid Overdose-reversing Medications**

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

**Sec. 1. 22 MRSA §2353, sub-§2**, as amended by PL 2023, c. 161, §3, is further amended to read:

**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. Over-the-counter naloxone hydrochloride or another opioid overdose-reversing medication approved for over-the-counter dispensation by the federal Food and Drug Administration or its successor organization may be provided or administered with or without a prescription.

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. Over-the-counter naloxone hydrochloride or another opioid overdose-reversing medication approved for over-the-counter dispensation by the federal Food and Drug Administration or its successor organization may be provided or administered with or without a prescription.

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.

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. Over-the-counter naloxone hydrochloride or another opioid overdose-reversing medication approved for over-the-counter dispensation by the federal Food and Drug Administration or its successor organization may be provided or administered with or without a prescription.

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. Over-the-counter naloxone hydrochloride or another opioid overdose-reversing medication approved for over-the-counter dispensation by the federal Food and Drug Administration or its successor organization may be provided or administered with or without a prescription.

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.

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

**Sec. 2. 22 MRSA §2353, sub-§4**, as amended by PL 2023, c. 71, §1 and c. 161, §3, is further amended to read:

**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~~ an 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.

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.

C. With the express consent of a municipality, an overdose prevention program established under this subsection may provide and maintain naloxone hydrochloride or another opioid overdose-reversing medication in a wall-mounted box or other visible and accessible container, including, but not limited to, a vending machine, 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.

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. 22 MRSA §2353, sub-§4-A, ¶B**, as amended by PL 2023, c. 161, §3, is repealed.

**Sec. 4. 22 MRSA §2353, sub-§4-A, ¶C**, as amended by PL 2023, c. 161, §3, is further amended to read:

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.

**Sec. 5. 22 MRSA §2353, sub-§5, ¶C**, as enacted by PL 2023, c. 71, §2, is amended to read:

C. A municipality or overdose prevention program is immune from criminal and civil liability for providing or maintaining naloxone hydrochloride containers or containers of another opioid overdose-reversing medication under subsection 4, paragraph C.

**Sec. 6. 22 MRSA §2353, sub-§5, ¶D**, as enacted by PL 2023, c. 154, §2, is amended to read:

D. A person not described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride or another opioid overdose-reversing medication or a person, notwithstanding any provision of law to the contrary, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional or other disciplinary action for providing to another person naloxone hydrochloride or another opioid overdose-reversing medication, or for administering naloxone hydrochloride or another opioid overdose-reversing medication 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.