

## OFFICE OF POLICY AND LEGAL ANALYSIS

Date: 2/22/22

To: Joint Standing Committee on Health & Human Services

From: Samuel Senft, Legislative Analyst

### **LD 1428 An Act To Increase the Availability of Nasal Naloxone in Community Settings**

**SUMMARY:** This bill allows community organizations, which are defined as private or nonprofit organizations operating a facility that serves the community, to store and administer nasal naloxone hydrochloride upon a standing order from a licensed health care professional authorized by law to prescribe nasal naloxone hydrochloride.

**An amendment** has been proposed by the sponsor, replacing the original bill with a bill that increases the availability of intranasal naloxone hydrochloride (Narcan) in community settings by eliminating the requirement that a corrections officer possess a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy in order to administer intranasal naloxone hydrochloride. It also adds the ability to dispense intranasal naloxone to all of the individuals authorized to administer Narcan, including law enforcement officers, correctional officers and municipal firefighters, subject to the same limitations imposed by the current law.

The amendment will allow these individuals to provide a take home kit of naloxone to people at risk, their families, friends or others.

### **ISSUES FROM TESTIMONY:**

This bill was carried over from the first session. There was limited testimony on the original bill but those who testified noted the benefits of increased access to Narcan in the community.

**DRAFTING ISSUES:** None Identified

### **ADDITIONAL INFORMATION:**

- Current statute at [22 MRSA §2353](#)
- [25 MRSA §2803-A](#) (Corrections Officer certification)
- [Eyes Open for Me - Naloxone](#)

**FISCAL IMPACT:** Not yet determined

### **PROPOSED AMENDMENT:**

PROPOSED COMMITTEE AMENDMENT TO L.D. 1428 An Act to Increase the Availability of Nasal Naloxone in Community Settings

Amend the bill by striking everything after the enacting clause and inserting the following:

Sec. 1. 22 MRSA section 2353, subsection 3. is amended as follows:

3. Authorized administration and dispensing of naloxone hydrochloride by law enforcement officers, corrections officers and municipal firefighters.

A law enforcement agency as defined in Title 25 section 3701, subsection 1, a regional or county jail, a correctional facility as defined in Title 34-A, section 1001, subsection 6 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 be administered or dispensed in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adapted by the law enforcement agency, a corrections officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy, pursuant to Title 25, section 2803-A, in accordance with policies adopted by the jail or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has received medical training in accordance with protocols adopted by the Medical Directors 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 enforcement officers, corrections officers and municipal firefighters pursuant to this section.

SUMMARY

This proposed committee amendment replaces the bill and in its place proposes to increase the availability of intranasal naloxone hydrochloride (Narcan) in community settings by deleting the requirement that a corrections officer possess a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy in order to administer intranasal naloxone hydrochloride. It also adds the ability to dispense intranasal naloxone to all of the individuals authorized in this section of the law to administer the medication including law enforcement officers, correctional officers and municipal firefighters, all subject to the same limitations imposed by the current law. This change would allow these individuals to provide a take home kit of naloxone to people at risk, their families, friends or associates.