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RELATING TO HEALTH AND SAFETY - NALOXONE PUBLIC ACCESS PROGRAM

Introduced By: Representatives Caldwell, Mattiello, Casey, Craven, and Marszalkowski

Date Introduced: February 27, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby amended by adding thereto the following chapter:

CHAPTER 6.6

NALOXONE PUBLIC ACCESS PROGRAM

23-6.6-1. Naloxone public access requirements.

(a) As used in this chapter, "public place" means an enclosed area capable of holding one hundred (100) people or more and to which the public is invited or in which the public is permitted, including, but not limited to: banks; bars; educational facilities; health care facilities; laundromats; public transportation facilities; reception areas; restaurants; retail food production and marketing establishments; retail service establishments; retail stores; shopping malls; sports arenas; government offices; theaters; and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

(b) Any person who owns or operates a public place as defined in subsection (a) of this section shall provide and maintain:

(1) On-site, functional naloxone boxes containing a supply of naloxone in quantities and types, deemed by the director of health, to be adequate to ensure ready and appropriate access for use during emergencies; and

(2) At least one person who is properly trained in the operation and use of naloxone. Training required by this chapter may be conducted by qualified personnel, including, but not
limited to, municipal fire and police department employees.

23-6.6-2. Good Samaritan protections.

(a) An authorized entity that possesses and makes available naloxone or naloxone boxes and its employees, agents, and other trained individuals; a person who uses naloxone made available pursuant to this chapter; an authorized health care provider who prescribes naloxone to an authorized entity; and an individual or entity that conducts the training described in this chapter, shall not be liable for any civil damages that result from the administration or self-administration of naloxone; the failure to administer naloxone, or any other act or omission taken pursuant to this chapter; provided, however, this immunity does not apply to acts or omissions constituting gross negligence or willful or wanton conduct. The administration of naloxone in accordance with this chapter is not the practice of medicine. This section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of naloxone by its employees or agents outside of this state if the entity or its employee or agent:

(1) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(2) Are not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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1 This act would require public places to have naloxone boxes containing naloxone on the
2 premises for access and use during emergencies by trained employees or the general public and
3 afford "Good Samaritan" protections to those individuals.
4 This act would take effect upon passage.

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