

2019 -- H 5536 SUBSTITUTE A

LC001979/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO FOOD AND DRUGS – THE GOOD SAMARITAN OVERDOSE
PREVENTION ACT OF 2016

Introduced By: Representatives Mattiello, Jacquard, Johnston, Canario, and Casey

Date Introduced: February 27, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.9-3 of the General Laws in Chapter 21-28.9 entitled "The
2 Good Samaritan Overdose Prevention Act of 2016" is hereby amended to read as follows:

3 **21-28.9-3. Authority to administer opioid antagonists -- Release from liability.**

4 (a) A person may administer an opioid antagonist to another person if:

5 (1) They, in good faith, believe the other person is experiencing a drug overdose; and

6 (2) They act with reasonable care in administering the drug to the other person.

7 (b) ~~A~~ Any person, including law enforcement personnel and emergency medical
8 personnel, who ~~administers~~ administer an opioid antagonist to another person pursuant to this
9 section shall not be subject to civil liability or criminal prosecution as a result of the
10 administration of the drug.

11 (c)(1) State and municipal law enforcement personnel and emergency medical personnel
12 to include, but not limited to, emergency medical technicians (EMTs), paramedics, and fire
13 department personnel may provide and transfer an opioid antagonist to an individual or to his or
14 her responsible family member, friend, or other person, along with instructions on administration
15 and use of the opioid antagonist, to provide opioid overdose protection to the individual, in the
16 good-faith judgment of the law enforcement or emergency medical personnel, who is at
17 substantial risk of experiencing an opioid-related overdose event. Law enforcement and
18 emergency medical personnel may exercise their good-faith judgment based on their experience,

1 training, knowledge, observations, and information provided by the individual at substantial risk
2 of experiencing an opioid-related overdose event or from the individual's family, friend, or others
3 with knowledge of the individual's prior opioid use.

4 (2) State and municipal law enforcement personnel and emergency medical personnel
5 acting in good faith shall not, as a result of acts or omission in providing services in accordance
6 with subsection (c) of this section, be liable for civil damages, unless the acts or omission
7 constitute willful and wanton misconduct.

8 (d) Law enforcement officers or agencies participating in the HOPE (Heroin-Opioid
9 Prevention Effort) initiative or program and acting in good faith shall not, as the result of acts or
10 omissions in providing services, be subject to civil liability or criminal prosecution unless the acts
11 or omissions constitute willful and wanton misconduct.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would provide that law enforcement personnel, emergency medical personnel,
2 and agencies participating in the HOPE initiative be exempt from civil liability or criminal
3 prosecution as a result of administering opioid antagonists.

4 This act would take effect upon passage.

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