

AN ACT

To establish a one-year pilot project in Lorain County pursuant to which qualified emergency responders in that County may obtain and administer naloxone to revive a person suffering from an apparent opioid-related overdose.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. (A) As used in this section:

(1) "Action by a professional licensing board" means any sanction or other action by a professional licensing board for conduct that pertains or relates to obtaining or possessing naloxone, or administering naloxone to a person suffering from an apparent opioid-related overdose.

(2) "Administer" means the direct application of a drug to a person by inhalation.

(3) "Civil liability" means liability in a civil action for injury, death, or loss to person or property that allegedly is caused by, results from, or is related to the administration of naloxone to a person suffering from an apparent opioid-related overdose.

(4) "Criminal prosecution" means prosecution for a violation of any of the following based on conduct that pertains or relates to obtaining or possessing naloxone or to administering naloxone to a person suffering from an apparent opioid-related overdose:

(a) Any prohibition under Chapter 2925., 3719., or 4729. of the Revised Code or under any other provision of the Revised Code;

(b) Any prohibition under any ordinance of a municipal corporation that is substantially similar to any prohibition described in division (A)(2)(a) of this section.

(5) "Dispense" has the same meaning as in section 3719.01 of the Revised Code.

(6) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(7) "Emergency responder" means any of the following who serves in Lorain County:

(a) A person who is a "first responder," "emergency medical technician-basic" or "EMT-basic," "emergency medical technician-intermediate" or "EMT-I," or "emergency medical technician-paramedic" or "paramedic," all as defined in section 4765.01 of the Revised Code;

(b) A "peace officer," as defined in section 2935.01 of the Revised Code;

(c) A "firefighter," as defined in section 149.43 of the Revised Code.

(8) "Licensed health professional" means any of the following who serves in Lorain County:

(a) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(b) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;

(c) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code.

(9) "One year" means the twelve-month period commencing on the first day of the month immediately subsequent to the month during which the effective date of this act occurs.

(10) "Qualified emergency responder" means any emergency responder who has received a letter under division (G) of this section indicating satisfactory completion of the training described in that division.

(11) "Registered nurse" means a registered nurse licensed under Chapter 4723. of the Revised Code who serves in Lorain County.

(B) There is hereby established a pilot project in Lorain County pursuant to which qualified emergency responders who serve in that County may obtain and administer naloxone in accordance with divisions (C) and (D) of this section to a person suffering from an apparent opioid-related overdose in order to revive the person. The pilot program established under this division shall last for a period of one year.

(C) During the period described in division (B) of this section, a licensed health professional who is authorized to prescribe naloxone, if acting with reasonable care, may prescribe, dispense, or personally furnish naloxone to any qualified emergency responder without being subject to civil liability, action by a professional licensing board, or criminal prosecution if the qualified emergency responder, before the naloxone is prescribed, dispensed, or furnished, signs an affidavit stating that the naloxone will be used only for the purpose described in division (D)(2) of

this section. The immunity from civil liability provided by this division is subject to division (F) of this section.

(D)(1) A qualified emergency responder is not subject to civil liability, action by a professional licensing board, or criminal prosecution for any of the following conduct:

(a) During the period described in division (B) of this section, the qualified emergency responder, acting in good faith, obtains naloxone or a prescription for naloxone from a licensed health professional as described in division (C) of this section or obtains naloxone pursuant to a prescription from a licensed health professional as described in that division, so that the qualified emergency responder may obtain and use the naloxone for the purposes described in division (D)(1)(b) of this section;

(b) During the period described in division (B) of this section, the qualified emergency responder, acting in good faith, administers naloxone obtained from a licensed health professional as described in division (C) of this section or obtained pursuant to a prescription from a licensed health professional as described in that division to a person suffering from an apparent opioid-related overdose in order to revive the person.

(2) The immunity from civil liability provided by division (D)(1) of this section is subject to division (F) of this section.

(E) If, during the period described in division (B) of this section, a qualified emergency responder who serves an emergency medical service organization, law enforcement agency, or firefighting agency engages in conduct described in division (D)(1)(a) or (b) of this section, the organization or agency is not subject to civil liability, action by a professional licensing board, or criminal prosecution for that conduct of the qualified emergency responder. The immunity from civil liability provided by this division is subject to division (F) of this section.

(F) The immunity from civil liability provided to a licensed health professional by division (C) of this section, provided to a qualified emergency responder by division (D) of this section, provided to an emergency medical service organization, law enforcement agency, or firefighting agency by division (E) of this section, or provided to a licensed health professional or registered nurse by division (G)(2) of this section does not apply if the conduct of the licensed health professional, qualified emergency responder, emergency medical service organization, law enforcement agency, firefighting agency, or registered nurse, whichever is applicable, was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(G)(1) The Lorain County Coroner shall provide, or shall designate one

or more licensed health professionals or registered nurses to provide, training to emergency responders in recognizing and responding to an opioid overdose. The response training shall include, but shall not be limited to, training in the administration of naloxone to a person suffering from an apparent opioid-related overdose in order to revive the person. The Lorain County Coroner shall provide to each emergency responder who satisfactorily completes the training a letter indicating satisfactory completion of the training. An emergency responder is not a qualified emergency responder for purposes of this section unless the emergency responder has received the training described in this division. The training described in this division shall be made available to each emergency responder who obtains approval of the emergency medical service organization, law enforcement agency, or firefighting agency served by the responder. The training shall be made available at any time on or after the effective date of this act and prior to the end of the period described in division (B) of this section.

(2) If the Lorain County Coroner, a licensed health professional, or a registered nurse provides to any emergency responder training of the type described in division (G)(1) of this section or a letter indicating satisfactory completion of that training, or if the Lorain County Coroner designates any licensed health professional or registered nurse to provide such training to any emergency responder, the Coroner, professional, or nurse is not subject to civil liability, action by a professional licensing board, or criminal prosecution for any conduct of the emergency responder described in division (D)(1)(a) or (b) of this section. The immunity from civil liability provided by this division is subject to division (F) of this section.

(H)(1) If a qualified emergency responder who serves an emergency medical service organization, law enforcement agency, or firefighting agency obtains naloxone from a licensed health professional as described in division (C) of this section or obtains naloxone pursuant to a prescription from a licensed health professional as described in that division, the emergency medical service organization, law enforcement agency, or firefighting agency shall maintain a record of the receipt and use of the naloxone. The record shall include all of the following for each qualified emergency responder who serves the organization or agency and obtains naloxone in that manner:

- (a) The identity of the qualified emergency responder;
- (b) The amount of naloxone obtained in that manner by the qualified emergency responder;
- (c) The licensed health professional who prescribed, dispensed, or

personally furnished the naloxone to the qualified emergency responder in that manner.

(d) If the qualified emergency responder administers any of the naloxone as described in division (D)(1)(b) of this section, the identity of the responder, the date of the administration, the amount administered, the circumstances of the administration, the individual to whom the naloxone was administered, and the outcome of the administration.

(2) Each emergency medical service organization, law enforcement agency, or firefighting agency that maintains a record under division (H)(1) of this section shall send monthly reports containing the information in the record to the Lorain County Narcan Task Force, the Lorain County Coroner, and the Director of the Ohio Department of Health in the manner and at the times specified in this division. Each report sent to the Task Force, the Coroner, and the Director shall cover one calendar month, shall contain the information in the record that pertains to that month, shall be prepared on the uniform standardized reporting form developed by the Lorain County Coroner under division (I) of this section, and shall be sent to the Task Force, the Coroner, and the Director not later than the fifth day of the calendar month following the month covered by the report. A report shall be sent for each calendar month during which the pilot project established under division (B) of this section is in existence.

(3) Upon receipt of the reports pursuant to division (H)(2) of this section, the Lorain County Narcan Task Force and the Ohio Department of Health each shall conduct a separate study of the effectiveness of the pilot project established under division (B) of this section and each shall prepare a separate report that contains the Task Force's or Department's findings and recommendation as to whether the pilot project should be continued in Lorain County, whether similar pilot projects should be established in counties other than Lorain County, whether state law should be amended to provide for naloxone distribution and use by emergency responders throughout the state in a manner similar to the distribution and use in Lorain County under the pilot project, or whether the pilot project should expire without extension, expansion, or adoption on a statewide basis.

Not later than the first day of the fourth month following the end of the pilot project, the Lorain County Narcan Task Force and the Ohio Department of Health each shall send a copy of its report required by this division to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Director of the Department of Alcohol and Drug Addiction Services.

(I) The Lorain County Coroner shall develop a uniform standardized

reporting form to be used by emergency medical service organizations, law enforcement agencies, and firefighting agencies to make the monthly reports required by division (H)(2) of this section.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. S. B. No. 57

130th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____