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Am. S. B. No. 57

Senator Manning

**Cosponsors: Senators Jones, Lehner, Hughes, Burke, LaRose, Brown,
Tavares, Beagle, Cafaro, Eklund, Faber, Gardner, Hite, Obhof, Oelslager,
Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Uecker, Widener
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Huffman, Letson, Lundy, Mallory, McClain, Milkovich, Ramos, Redfern,
Rosenberger, Sheehy, Smith, Sprague, Stebelton, Stinziano
Speaker Batchelder**

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A B I L L

To establish a one-year pilot project in Lorain 1
County pursuant to which qualified emergency 2
responders in that County may obtain and 3
administer naloxone to revive a person suffering 4
from an apparent opioid-related overdose. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) As used in this section: 6

(1) "Action by a professional licensing board" means any 7
sanction or other action by a professional licensing board for 8
conduct that pertains or relates to obtaining or possessing 9
naloxone, or administering naloxone to a person suffering from an 10
apparent opioid-related overdose. 11

(2) "Administer" means the direct application of a drug to a 12

person by inhalation. 13

(3) "Civil liability" means liability in a civil action for 14
injury, death, or loss to person or property that allegedly is 15
caused by, results from, or is related to the administration of 16
naloxone to a person suffering from an apparent opioid-related 17
overdose. 18

(4) "Criminal prosecution" means prosecution for a violation 19
of any of the following based on conduct that pertains or relates 20
to obtaining or possessing naloxone or to administering naloxone 21
to a person suffering from an apparent opioid-related overdose: 22

(a) Any prohibition under Chapter 2925., 3719., or 4729. of 23
the Revised Code or under any other provision of the Revised Code; 24

(b) Any prohibition under any ordinance of a municipal 25
corporation that is substantially similar to any prohibition 26
described in division (A)(2)(a) of this section. 27

(5) "Dispense" has the same meaning as in section 3719.01 of 28
the Revised Code. 29

(6) "Emergency medical service organization" has the same 30
meaning as in section 4765.01 of the Revised Code. 31

(7) "Emergency responder" means any of the following who 32
serves in Lorain County: 33

(a) A person who is a "first responder," "emergency medical 34
technician-basic" or "EMT-basic," "emergency medical 35
technician-intermediate" or "EMT-I," or "emergency medical 36
technician-paramedic" or "paramedic," all as defined in section 37
4765.01 of the Revised Code; 38

(b) A "peace officer," as defined in section 2935.01 of the 39
Revised Code; 40

(c) A "firefighter," as defined in section 149.43 of the 41
Revised Code. 42

(8) "Licensed health professional" means any of the following 43
who serves in Lorain County: 44

(a) A physician who is authorized under Chapter 4731. of the 45
Revised Code to practice medicine and surgery, osteopathic 46
medicine and surgery, or podiatric medicine and surgery; 47

(b) A physician assistant who holds a certificate to 48
prescribe issued under Chapter 4730. of the Revised Code; 49

(c) A clinical nurse specialist, certified nurse-midwife, or 50
certified nurse practitioner who holds a certificate to prescribe 51
issued under section 4723.48 of the Revised Code. 52

(9) "One year" means the twelve-month period commencing on 53
the first day of the month immediately subsequent to the month 54
during which the effective date of this act occurs. 55

(10) "Qualified emergency responder" means any emergency 56
responder who has received a letter under division (G) of this 57
section indicating satisfactory completion of the training 58
described in that division. 59

(11) "Registered nurse" means a registered nurse licensed 60
under Chapter 4723. of the Revised Code who serves in Lorain 61
County. 62

(B) There is hereby established a pilot project in Lorain 63
County pursuant to which qualified emergency responders who serve 64
in that County may obtain and administer naloxone in accordance 65
with divisions (C) and (D) of this section to a person suffering 66
from an apparent opioid-related overdose in order to revive the 67
person. The pilot program established under this division shall 68
last for a period of one year. 69

(C) During the period described in division (B) of this 70
section, a licensed health professional who is authorized to 71
prescribe naloxone, if acting with reasonable care, may prescribe, 72

dispense, or personally furnish naloxone to any qualified 73
emergency responder without being subject to civil liability, 74
action by a professional licensing board, or criminal prosecution 75
if the qualified emergency responder, before the naloxone is 76
prescribed, dispensed, or furnished, signs an affidavit stating 77
that the naloxone will be used only for the purpose described in 78
division (D)(2) of this section. The immunity from civil liability 79
provided by this division is subject to division (F) of this 80
section. 81

(D)(1) A qualified emergency responder is not subject to 82
civil liability, action by a professional licensing board, or 83
criminal prosecution for any of the following conduct: 84

(a) During the period described in division (B) of this 85
section, the qualified emergency responder, acting in good faith, 86
obtains naloxone or a prescription for naloxone from a licensed 87
health professional as described in division (C) of this section 88
or obtains naloxone pursuant to a prescription from a licensed 89
health professional as described in that division, so that the 90
qualified emergency responder may obtain and use the naloxone for 91
the purposes described in division (D)(1)(b) of this section; 92

(b) During the period described in division (B) of this 93
section, the qualified emergency responder, acting in good faith, 94
administers naloxone obtained from a licensed health professional 95
as described in division (C) of this section or obtained pursuant 96
to a prescription from a licensed health professional as described 97
in that division to a person suffering from an apparent 98
opioid-related overdose in order to revive the person. 99

(2) The immunity from civil liability provided by division 100
(D)(1) of this section is subject to division (F) of this section. 101

(E) If, during the period described in division (B) of this 102
section, a qualified emergency responder who serves an emergency 103

medical service organization, law enforcement agency, or 104
firefighting agency engages in conduct described in division 105
(D)(1)(a) or (b) of this section, the organization or agency is 106
not subject to civil liability, action by a professional licensing 107
board, or criminal prosecution for that conduct of the qualified 108
emergency responder. The immunity from civil liability provided by 109
this division is subject to division (F) of this section. 110

(F) The immunity from civil liability provided to a licensed 111
health professional by division (C) of this section, provided to a 112
qualified emergency responder by division (D) of this section, 113
provided to an emergency medical service organization, law 114
enforcement agency, or firefighting agency by division (E) of this 115
section, or provided to a licensed health professional or 116
registered nurse by division (G)(2) of this section does not apply 117
if the conduct of the licensed health professional, qualified 118
emergency responder, emergency medical service organization, law 119
enforcement agency, firefighting agency, or registered nurse, 120
whichever is applicable, was with malicious purpose, in bad faith, 121
or in a wanton or reckless manner. 122

(G)(1) The Lorain County Coroner shall provide, or shall 123
designate one or more licensed health professionals or registered 124
nurses to provide, training to emergency responders in recognizing 125
and responding to an opioid overdose. The response training shall 126
include, but shall not be limited to, training in the 127
administration of naloxone to a person suffering from an apparent 128
opioid-related overdose in order to revive the person. The Lorain 129
County Coroner shall provide to each emergency responder who 130
satisfactorily completes the training a letter indicating 131
satisfactory completion of the training. An emergency responder is 132
not a qualified emergency responder for purposes of this section 133
unless the emergency responder has received the training described 134
in this division. The training described in this division shall be 135

made available to each emergency responder who obtains approval of 136
the emergency medical service organization, law enforcement 137
agency, or firefighting agency served by the responder. The 138
training shall be made available at any time on or after the 139
effective date of this act and prior to the end of the period 140
described in division (B) of this section. 141

(2) If the Lorain County Coroner, a licensed health 142
professional, or a registered nurse provides to any emergency 143
responder training of the type described in division (G)(1) of 144
this section or a letter indicating satisfactory completion of 145
that training, or if the Loran County Coroner designates any 146
licensed health professional or registered nurse to provide such 147
training to any emergency responder, the Coroner, professional, or 148
nurse is not subject to civil liability, action by a professional 149
licensing board, or criminal prosecution for any conduct of the 150
emergency responder described in division (D)(1)(a) or (b) of this 151
section. The immunity from civil liability provided by this 152
division is subject to division (F) of this section. 153

(H)(1) If a qualified emergency responder who serves an 154
emergency medical service organization, law enforcement agency, or 155
firefighting agency obtains naloxone from a licensed health 156
professional as described in division (C) of this section or 157
obtains naloxone pursuant to a prescription from a licensed health 158
professional as described in that division, the emergency medical 159
service organization, law enforcement agency, or firefighting 160
agency shall maintain a record of the receipt and use of the 161
naloxone. The record shall include all of the following for each 162
qualified emergency responder who serves the organization or 163
agency and obtains naloxone in that manner: 164

(a) The identity of the qualified emergency responder; 165

(b) The amount of naloxone obtained in that manner by the 166
qualified emergency responder; 167

(c) The licensed health professional who prescribed, 168
dispensed, or personally furnished the naloxone to the qualified 169
emergency responder in that manner. 170

(d) If the qualified emergency responder administers any of 171
the naloxone as described in division (D)(1)(b) of this section, 172
the identity of the responder, the date of the administration, the 173
amount administered, the circumstances of the administration, the 174
individual to whom the naloxone was administered, and the outcome 175
of the administration. 176

(2) Each emergency medical service organization, law 177
enforcement agency, or firefighting agency that maintains a record 178
under division (H)(1) of this section shall send monthly reports 179
containing the information in the record to the Lorain County 180
Narcan Task Force, the Lorain County Coroner, and the Director of 181
the Ohio Department of Health in the manner and at the times 182
specified in this division. Each report sent to the Task Force, 183
the Coroner, and the Director shall cover one calendar month, 184
shall contain the information in the record that pertains to that 185
month, shall be prepared on the uniform standardized reporting 186
form developed by the Lorain County Coroner under division (I) of 187
this section, and shall be sent to the Task Force, the Coroner, 188
and the Director not later than the fifth day of the calendar 189
month following the month covered by the report. A report shall be 190
sent for each calendar month during which the pilot project 191
established under division (B) of this section is in existence. 192

(3) Upon receipt of the reports pursuant to division (H)(2) 193
of this section, the Lorain County Narcan Task Force and the Ohio 194
Department of Health each shall conduct a separate study of the 195
effectiveness of the pilot project established under division (B) 196
of this section and each shall prepare a separate report that 197
contains the Task Force's or Department's findings and 198
recommendation as to whether the pilot project should be continued 199

in Lorain County, whether similar pilot projects should be 200
established in counties other than Lorain County, whether state 201
law should be amended to provide for naloxone distribution and use 202
by emergency responders throughout the state in a manner similar 203
to the distribution and use in Lorain County under the pilot 204
project, or whether the pilot project should expire without 205
extension, expansion, or adoption on a statewide basis. 206

Not later than the first day of the fourth month following 207
the end of the pilot project, the Lorain County Narcan Task Force 208
and the Ohio Department of Health each shall send a copy of its 209
report required by this division to the Governor, the President 210
and Minority Leader of the Senate, the Speaker and Minority Leader 211
of the House of Representatives, and the Director of the 212
Department of Alcohol and Drug Addiction Services. 213

(I) The Lorain County Coroner shall develop a uniform 214
standardized reporting form to be used by emergency medical 215
service organizations, law enforcement agencies, and firefighting 216
agencies to make the monthly reports required by division (H)(2) 217
of this section. 218