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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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A B I L L

To establish a pilot project in Lorain County from 1
August 1, 2013, to July 31, 2014, pursuant to 2
which qualified emergency responders in that 3
County may obtain and administer naloxone to 4
revive a person suffering from an apparent 5
opioid-related overdose. 6

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

Section 1. (A) As used in this section: 7

(1) "Action by a professional licensing board" means any 8
sanction or other action by a professional licensing board for 9
conduct that pertains or relates to obtaining or possessing 10
naloxone, or administering naloxone to a person suffering from an 11
apparent opioid-related overdose. 12

(2) "Administer" means the direct application of a drug to a 13
person by inhalation. 14

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

overdose. 19

(4) "Criminal prosecution" means prosecution for a violation 20
of any of the following based on conduct that pertains or relates 21
to obtaining or possessing naloxone or to administering naloxone 22
to a person suffering from an apparent opioid-related overdose: 23

(a) Any prohibition under Chapter 2925., 3719., or 4729. of 24
the Revised Code or under any other provision of the Revised Code; 25

(b) Any prohibition under any ordinance of a municipal 26
corporation that is substantially similar to any prohibition 27
described in division (A)(2)(a) of this section. 28

(5) "Dispense" has the same meaning as in section 3719.01 of 29
the Revised Code. 30

(6) "Emergency medical service organization" has the same 31
meaning as in section 4765.01 of the Revised Code. 32

(7) "Emergency responder" means any of the following who 33
serves in Lorain County: 34

(a) A person who is a "first responder," "emergency medical 35
technician-basic" or "EMT-basic," "emergency medical 36
technician-intermediate" or "EMT-I," or "emergency medical 37
technician-paramedic" or "paramedic," all as defined in section 38
4765.01 of the Revised Code; 39

(b) A "peace officer," as defined in section 2935.01 of the 40
Revised Code; 41

(c) A "firefighter," as defined in section 149.43 of the 42
Revised Code. 43

(8) "Licensed health professional" means any of the following 44
who serves in Lorain County: 45

(a) A physician who is authorized under Chapter 4731. of the 46
Revised Code to practice medicine and surgery, osteopathic 47
medicine and surgery, or podiatric medicine and surgery; 48

(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) "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.

(10) "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
commence on August 1, 2013, and shall terminate on July 31, 2014.

(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 80
civil liability, action by a professional licensing board, or 81
criminal prosecution for any of the following conduct: 82

(a) During the period described in division (B) of this 83
section, the qualified emergency responder, acting in good faith, 84
obtains naloxone or a prescription for naloxone from a licensed 85
health professional as described in division (C) of this section 86
or obtains naloxone pursuant to a prescription from a licensed 87
health professional as described in that division, so that the 88
qualified emergency responder may obtain and use the naloxone for 89
the purposes described in division (D)(1)(b) of this section; 90

(b) During the period described in division (B) of this 91
section, the qualified emergency responder, acting in good faith, 92
administers naloxone obtained from a licensed health professional 93
as described in division (C) of this section or obtained pursuant 94
to a prescription from a licensed health professional as described 95
in that division to a person suffering from an apparent 96
opioid-related overdose in order to revive the person. 97

(2) The immunity from civil liability provided by division 98
(D)(1) of this section is subject to division (F) of this section. 99

(E) If, during the period described in division (B) of this 100
section, a qualified emergency responder who serves an emergency 101
medical service organization, law enforcement agency, or 102
firefighting agency engages in conduct described in division 103
(D)(1)(a) or (b) of this section, the organization or agency is 104
not subject to civil liability, action by a professional licensing 105
board, or criminal prosecution for that conduct of the qualified 106
emergency responder. The immunity from civil liability provided by 107
this division is subject to division (F) of this section. 108

(F) The immunity from civil liability provided to a licensed 109
health professional by division (C) of this section, provided to a 110

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

(G)(1) The Lorain County Coroner shall provide, or shall 121
designate one or more licensed health professionals or registered 122
nurses to provide, training to emergency responders in recognizing 123
and responding to an opioid overdose. The response training shall 124
include, but shall not be limited to, training in the 125
administration of naloxone to a person suffering from an apparent 126
opioid-related overdose in order to revive the person. The Lorain 127
County Coroner shall provide to each emergency responder who 128
satisfactorily completes the training a letter indicating 129
satisfactory completion of the training. An emergency responder is 130
not a qualified emergency responder for purposes of this section 131
unless the emergency responder has received the training described 132
in this division. The training described in this division shall be 133
made available to each emergency responder who obtains approval of 134
the emergency medical service organization, law enforcement 135
agency, or firefighting agency served by the responder. The 136
training shall be made available at any time on or after the 137
effective date of this act and prior to the end of the period 138
described in division (B) of this section. 139

(2) If the Lorain County Coroner, a licensed health 140
professional, or a registered nurse provides to any emergency 141
responder training of the type described in division (G)(1) of 142

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

(H)(1) If a qualified emergency responder who serves an 152
emergency medical service organization, law enforcement agency, or 153
firefighting agency obtains naloxone from a licensed health 154
professional as described in division (C) of this section or 155
obtains naloxone pursuant to a prescription from a licensed health 156
professional as described in that division, the emergency medical 157
service organization, law enforcement agency, or firefighting 158
agency shall maintain a record of the receipt and use of the 159
naloxone. The record shall include all of the following for each 160
qualified emergency responder who serves the organization or 161
agency and obtains naloxone in that manner: 162

(a) The identity of the qualified emergency responder; 163

(b) The amount of naloxone obtained in that manner by the 164
qualified emergency responder; 165

(c) The licensed health professional who prescribed, 166
dispensed, or personally furnished the naloxone to the qualified 167
emergency responder in that manner. 168

(d) If the qualified emergency responder administers any of 169
the naloxone as described in division (D)(1)(b) of this section, 170
the identity of the responder, the date of the administration, the 171
amount administered, the circumstances of the administration, the 172
individual to whom the naloxone was administered, and the outcome 173

of the administration. 174

(2) Each emergency medical service organization, law 175
enforcement agency, or firefighting agency that maintains a record 176
under division (H)(1) of this section shall send monthly reports 177
containing the information in the record to the Lorain County 178
Narcan Task Force, the Lorain County Coroner, and the Director of 179
the Ohio Department of Health in the manner and at the times 180
specified in this division. Each report sent to the Task Force, 181
the Coroner, and the Director shall cover one calendar month, 182
shall contain the information in the record that pertains to that 183
month, shall be prepared on the uniform standardized reporting 184
form developed by the Lorain County Coroner under division (I) of 185
this section, and shall be sent to the Task Force, the Coroner, 186
and the Director not later than the fifth day of the calendar 187
month following the month covered by the report. A report shall be 188
sent for each calendar month during which the pilot project 189
established under division (B) of this section is in existence. 190

(3) Upon receipt of the reports pursuant to division (H)(2) 191
of this section, the Lorain County Narcan Task Force and the Ohio 192
Department of Health each shall conduct a separate study of the 193
effectiveness of the pilot project established under division (B) 194
of this section and each shall prepare a separate report that 195
contains the Task Force's or Department's findings and 196
recommendation as to whether the pilot project should be continued 197
in Lorain County, whether similar pilot projects should be 198
established in counties other than Lorain County, whether state 199
law should be amended to provide for naloxone distribution and use 200
by emergency responders throughout the state in a manner similar 201
to the distribution and use in Lorain County under the pilot 202
project, or whether the pilot project should expire without 203
extension, expansion, or adoption on a statewide basis. 204

Not later than November 1, 2014, the Lorain County Narcan 205

Task Force and the Ohio Department of Health each shall send a 206
copy of its report required by this division to the Governor, the 207
President and Minority Leader of the Senate, the Speaker and 208
Minority Leader of the House of Representatives, and the Director 209
of the Department of Alcohol and Drug Addiction Services. 210

(I) The Lorain County Coroner shall develop a uniform 211
standardized reporting form to be used by emergency medical 212
service organizations, law enforcement agencies, and firefighting 213
agencies to make the monthly reports required by division (H)(2) 214
of this section. 215