

HOUSE BILL 1379

D1, J1, J2

7lr3197

By: **Delegate Frick**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Criminal and Civil Immunity – Prescribing, Dispensing, and**
3 **Administering Opioid Antagonists**

4 FOR the purpose of providing that a health care provider, under certain circumstances, is
5 not criminally or civilly liable for prescribing, dispensing, or administering an opioid
6 antagonist to treat or prevent a drug overdose or any adverse effect arising from the
7 use of a certain opioid antagonist; providing that an individual who is not a health
8 care provider is not criminally or civilly liable under certain circumstances for any
9 adverse effect arising from the individual administering an opioid antagonist; and
10 generally relating to immunity from criminal or civil liability for prescribing,
11 dispensing, or administering opioid antagonists.

12 BY adding to
13 Article – Courts and Judicial Proceedings
14 Section 5–630.1
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 **5–630.1.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL WHO IS**
2 **AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PRESCRIBE,**
3 **DISPENSE, OR ADMINISTER AN OPIOID ANTAGONIST.**

4 **(3) “OPIOID ANTAGONIST” MEANS NALOXONE OR ANY OTHER**
5 **SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE FEDERAL FOOD**
6 **AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.**

7 **(B) IF A HEALTH CARE PROVIDER ACTED WITH REASONABLE CARE, THE**
8 **HEALTH CARE PROVIDER IS NOT CRIMINALLY OR CIVILLY LIABLE FOR:**

9 **(1) PRESCRIBING, DISPENSING, OR ADMINISTERING AN OPIOID**
10 **ANTAGONIST TO TREAT OR PREVENT A DRUG OVERDOSE; OR**

11 **(2) ANY ADVERSE EFFECT ARISING FROM THE USE OF THE OPIOID**
12 **ANTAGONIST PRESCRIBED, DISPENSED, OR ADMINISTERED.**

13 **(C) AN INDIVIDUAL WHO IS NOT A HEALTH CARE PROVIDER IS NOT**
14 **CRIMINALLY OR CIVILLY LIABLE FOR ANY ADVERSE EFFECT ARISING FROM THE**
15 **INDIVIDUAL ADMINISTERING AN OPIOID ANTAGONIST IF THE INDIVIDUAL:**

16 **(1) BELIEVED IN GOOD FAITH THAT THE INDIVIDUAL TO WHOM THE**
17 **OPIOID ANTAGONIST WAS ADMINISTERED WAS EXPERIENCING AN OPIOID-RELATED**
18 **DRUG OVERDOSE; AND**

19 **(2) ACTED WITH REASONABLE CARE.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2017.**