

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1900

(SENATE AUTHORS: EATON, Dziejdzic, Rosen, Latz and Marty)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5845	Introduction and first reading Referred to Health, Human Services and Housing
03/12/2014	6138	Comm report: To pass and re-referred to Judiciary
03/17/2014	6257a	Comm report: To pass as amended
	6274	Second reading
03/26/2014	6867	Author added Marty
04/08/2014	7832	Special Order
	7832	Third reading Passed
05/07/2014	8867	Returned from House with amendment
	8868	Senate concurred and repassed bill
	8868	Third reading

A bill for an act

1.1 relating to health; providing for drug overdose prevention and medical assistance;
 1.2 limiting liability; amending Minnesota Statutes 2012, section 151.37, by adding a
 1.3 subdivision; proposing coding for new law in Minnesota Statutes, chapter 604A.
 1.4

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 151.37, is amended by adding a
 1.7 subdivision to read:

1.8 Subd. 12. Administration of opiate antagonists for drug overdose. (a) A licensed
 1.9 physician, a licensed advanced practice registered nurse authorized to prescribe drugs
 1.10 pursuant to section 148.235, or a licensed physician's assistant authorized to prescribe
 1.11 drugs pursuant to section 147A.18, may authorize the following individuals to administer
 1.12 opiate antagonists, as defined in section 604A.04, subdivision 1:

1.13 (1) an emergency medical responder registered pursuant to section 144E.27;

1.14 (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and
 1.15 (d); and

1.16 (3) staff of community-based health disease prevention or social service programs.

1.17 (b) For the purposes of this subdivision, opiate antagonists may be administered by
 1.18 one of these individuals only if:

1.19 (1) the licensed physician, licensed physician's assistant, or licensed advanced
 1.20 practice registered nurse has issued a standing order to, or entered into a protocol with,
 1.21 the individual; and

1.22 (2) the individual has training in the recognition of signs of opiate overdose and the
 1.23 use of opiate antagonists as part of the emergency response to opiate overdose.

2.1 (c) Nothing in this section prohibits the possession and administration of naloxone
2.2 pursuant to section 604A.04.

2.3 **Sec. 2. [604A.04] GOOD SAMARITAN OVERDOSE PREVENTION.**

2.4 Subdivision 1. **Definitions; opiate antagonist.** For purposes of this section, "opiate
2.5 antagonist" means naloxone hydrochloride or any similarly acting drug approved by the
2.6 federal Food and Drug Administration for the treatment of a drug overdose.

2.7 Subd. 2. **Authority to possess and administer opiate antagonists; release from**
2.8 **liability.** (a) A person who is not a health care professional may possess or administer
2.9 an opiate antagonist that is prescribed, dispensed, or distributed by a licensed health
2.10 care professional pursuant to subdivision 3.

2.11 (b) A person who is not a health care professional who acts in good faith in
2.12 administering an opiate antagonist to another person whom the person believes in good
2.13 faith to be suffering a drug overdose is immune from criminal prosecution for the act and
2.14 is not liable for any civil damages for acts or omissions resulting from the act.

2.15 Subd. 3. **Health care professionals; release from liability.** A licensed health care
2.16 professional who is permitted by law to prescribe an opiate antagonist, if acting in good
2.17 faith, may directly or by standing order prescribe, dispense, distribute, or administer an
2.18 opiate antagonist to a person without being subject to civil liability or criminal prosecution
2.19 for the act. This immunity applies even when the opiate antagonist is eventually
2.20 administered in either or both of the following instances: (1) by someone other than the
2.21 person to whom it is prescribed; or (2) to someone other than the person to whom it is
2.22 prescribed. This subdivision does not apply if the licensed health care professional is
2.23 acting during the course of regular employment and receiving compensation or expecting
2.24 to receive compensation for those actions.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
2.26 actions arising from incidents occurring on or after that date.

2.27 **Sec. 3. [604A.05] GOOD SAMARITAN OVERDOSE MEDICAL ASSISTANCE.**

2.28 Subdivision 1. **Person seeking medical assistance; immunity from prosecution.**
2.29 A person acting in good faith who seeks medical assistance for another person who is
2.30 experiencing a drug overdose may not be arrested, charged, prosecuted, or penalized, or
2.31 have that person's property subject to civil forfeiture for the possession, sharing, or use
2.32 of a controlled substance or drug paraphernalia; or a violation of a condition of pretrial
2.33 release, probation, furlough, supervised release, or parole. A person qualifies for the
2.34 immunities provided in this subdivision only if: (1) the evidence for the arrest, charge,

3.1 prosecution, seizure, or penalty was obtained as a result of the person's seeking medical
3.2 assistance for another person; and (2) the person seeks medical assistance for another
3.3 person who is in need of medical assistance for an immediate health or safety concern,
3.4 provided that the person who seeks the medical assistance is the first person to seek the
3.5 assistance, provides a name and contact information, remains on the scene until assistance
3.6 arrives or is provided, and cooperates with the authorities.

3.7 **Subd. 2. Person experiencing an overdose; immunity from prosecution.** A
3.8 person who experiences a drug overdose and is in need of medical assistance may not be
3.9 arrested, charged, prosecuted, or penalized, or have that person's property subject to civil
3.10 forfeiture for: (1) the possession of a controlled substance or drug paraphernalia; or (2)
3.11 a violation of a condition of pretrial release, probation, furlough, supervised release, or
3.12 parole. A person qualifies for the immunities provided in this subdivision only if the
3.13 evidence for the arrest, charge, prosecution, seizure, or penalty was obtained as a result
3.14 of the drug overdose and the need for medical assistance.

3.15 **Subd. 3. Effect on other criminal prosecutions.** (a) The immunity provisions of
3.16 this section do not preclude prosecution of the person on the basis of evidence obtained
3.17 from an independent source.

3.18 (b) The act of providing first aid or other medical assistance to someone who is
3.19 experiencing a drug overdose may be used as a mitigating factor in a criminal prosecution
3.20 for which immunity is not provided.

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
3.22 actions arising from incidents occurring on or after that date.

3.23 **Sec. 4. CITATION.**

3.24 Sections 2 and 3 may be known and cited as "Steve's Law."