

HOUSE BILL NO. 323

INTRODUCED BY G. PIERSON JR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL TO MAINTAIN A STOCK SUPPLY OF AN OPIOID ANTAGONIST TO BE USED IN THE EVENT OF AN ACTUAL OR PERCEIVED OPIOID OVERDOSE EMERGENCY; LIMITING GOVERNMENTAL LIABILITY; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency use of opioid antagonist in school setting -- limit on liability. (1) A school, whether public or nonpublic, may maintain a stock supply of an opioid antagonist to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for an actual or perceived opioid overdose. A school that intends to obtain an order for emergency use of an opioid antagonist in a school setting or at related activities shall adhere to the following requirements:

(a) A school that stocks an opioid antagonist shall develop a protocol related to the training of school employees, the maintenance and location of the opioid antagonist, and immediate and long-term followup to the administration of the medication, including making a 9-1-1 emergency call.

(b) The opioid antagonist must be prescribed by a physician, advanced practice registered nurse, or physician assistant. The school must be designated as the patient, and each prescription for an opioid antagonist must be filled by a licensed pharmacy.

(c) The school shall provide training to authorized personnel. The training must include causes of opioid overdose, recognition of signs and symptoms of opioid overdose, indications for the administration of an opioid antagonist, administration technique, and the need for immediate access to a certified emergency responder. Training must be provided by a school nurse, certified emergency responder, or other health care professional.

(d) The opioid antagonist must be kept in a secure and easily accessible location.

(e) A school nurse or other authorized personnel may, in good faith, administer the opioid antagonist to any student or nonstudent who is experiencing a potential life-threatening opioid overdose based on the protocol developed by the school.

(f) If a school stocks an opioid antagonist that has been prescribed to the school, that school shall inform parents or guardians about the potential use of the opioid antagonist in an opioid overdose emergency. The



1 school shall make the protocol available upon request.

2 (g) In accordance with the provisions of 27-1-714, a school district or nonpublic school and its employees
3 and agents are not liable as a result of any injury arising from the administration of an opioid antagonist to a
4 student or nonstudent unless an act or omission is the result of gross negligence, willful or wanton misconduct,
5 or an intentional tort.

6 (2) For the purposes of this section, "opioid antagonist" means a drug that binds to opioid receptors and
7 blocks or inhibits the effect of opioids acting on those receptors, including but not limited to naloxone
8 hydrochloride or any other similarly acting drug approved by the United States food and drug administration.

9

10 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [section 1].

12

13 **NEW SECTION. Section 3. Two-thirds vote required.** Because [section 1] limits governmental liability,
14 Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of
15 the legislature for passage.

16

17 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2017.

18

- END -