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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1246 Session of  
2017

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INTRODUCED BY STURLA, DRISCOLL, KINSEY, DEAN, SOLOMON, V. BROWN,  
SCHLOSSBERG, McNEILL, MOUL, WARD, DONATUCCI, McCLINTON,  
FRANKEL AND GILLEN, APRIL 19, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 19, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in particular rights and  
3 immunities, providing for good Samaritan civil immunity for  
4 administration of naloxone.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8331.4. Good Samaritan civil immunity for administration of  
10 naloxone.

11 (a) General rule.--A person or organization that in good  
12 faith acquires and maintains the overdose reversal medication  
13 naloxone or administers naloxone in an emergency shall not be  
14 liable for any civil damages as a result of any acts or  
15 omissions by an individual administering the naloxone, except if  
16 the acts or omissions are intentionally designed to harm or any  
17 grossly negligent acts or omissions result in harm to the  
18 individual receiving the naloxone treatment.

1 (b) Requirements.--A person or organization that acquires  
2 and maintains the overdose reversal medication naloxone for use  
3 in accordance with this section shall:

4 (1) ensure that an individual expected to administer  
5 naloxone receive training in accordance with subsection (c);

6 (2) maintain the supply of naloxone in a safe and  
7 accessible location and ensure that the supply is replaced  
8 before the expiration date provided by the manufacturer;

9 (3) provide instruction requiring the individual  
10 administering the naloxone to utilize available means to  
11 immediately contact emergency medical services; and

12 (4) ensure that any appropriate data or information is  
13 made available to emergency medical services personnel or  
14 other health care providers as requested.

15 (c) Training.--For purposes of this section, an individual  
16 expected to administer naloxone shall complete training in  
17 recognizing opioid-related overdoses and administering naloxone  
18 consistent with Department of Health guidelines and in  
19 consultation with the Department of Drug and Alcohol Programs.

20 (d) Obstruction of emergency medical services personnel.--  
21 Nothing in this section shall relieve an individual who  
22 administers naloxone from civil damages when the individual  
23 obstructs or interferes with care and treatment being provided  
24 by emergency medical services personnel or a health  
25 professional.

26 (e) Exception.--An individual who lacks the training in  
27 accordance with subsection (c) and who has access to naloxone  
28 and in good faith administers naloxone in an emergency as any  
29 ordinary, reasonably prudent individual would do under the same  
30 or similar circumstances shall receive immunity from civil

1 damages as set forth under subsection (a).

2 (f) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Drug overdose event." An acute medical condition,  
6 including, but not limited to, severe physical illness, coma,  
7 mania, hysteria or death, which is the result of consumption or  
8 use of one or more controlled substances causing an adverse  
9 reaction.

10 "Emergency." A situation where an individual is believed to  
11 be experiencing a drug overdose event or is in need of immediate  
12 medical attention to prevent death or serious injury.

13 "Good faith." Includes a reasonable opinion that the  
14 immediacy of the situation is such that the administration of  
15 naloxone should not be postponed until emergency medical  
16 services personnel arrive or the individual is hospitalized.

17 Section 2. This act shall take effect in 60 days.