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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 575 Session of  
2021

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INTRODUCED BY MARKOSEK, N. NELSON, SANCHEZ, BURGOS, HOHENSTEIN,  
ISAACSON, CIRESI, SCHLOSSBERG, McNEILL, KINSEY, FRANKEL,  
SCHWEYER, PISCIOTTANO, BENHAM, HILL-EVANS, KULIK, MALAGARI,  
O'MARA, INNAMORATO, SAINATO, KINKEAD, HANBIDGE, ROZZI AND  
T. DAVIS, FEBRUARY 22, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 22, 2021

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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 acquiring, maintaining or administering 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 acquiring,  
10 maintaining or administering naloxone.

11 (a) General rule.--A person that in good faith acquires and  
12 maintains naloxone or administers naloxone in an emergency shall  
13 not be liable for any civil damages as a result of any act or  
14 omission in administering the naloxone, except if the act or  
15 omission is intentionally designed to harm, or any grossly  
16 negligent act or omission results in harm to the individual  
17 being administered the naloxone.

1 (b) Requirements.--A person that acquires and maintains  
2 naloxone for use in accordance with this section shall:

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

6 (2) maintain the supply of the 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, a person  
16 expected to administer naloxone must complete training in  
17 recognizing opioid-related overdoses and administering naloxone  
18 consistent with Department of Health guidelines developed under  
19 section 13.8(a)(3) of the act of April 14, 1972 (P.L.233,  
20 No.64), known as The Controlled Substance, Drug, Device and  
21 Cosmetic Act.

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

27 (e) Exception.--A person who lacks the training in  
28 accordance with subsection (c), has access to naloxone and in  
29 good faith administers the naloxone in an emergency as any  
30 ordinary, reasonably prudent person would do under the same or

1 similar circumstances shall receive immunity from civil damages  
2 as provided under subsection (a).

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

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

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

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

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