

ASSEMBLY, No. 3288

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires first responders to transport persons treated for drug overdose to hospital emergency department.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning treatment for drug overdose and amending and
2 supplementing P.L.2013, c.46.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 3 of P.L.2013, c.46 (C.24:6J-3) is amended to read
8 as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Human Services.

11 "Drug overdose" means an acute condition including, but not
12 limited to, physical illness, coma, mania, hysteria, or death resulting
13 from the consumption or use of a controlled dangerous substance or
14 another substance with which a controlled dangerous substance was
15 combined and that a layperson would reasonably believe to require
16 medical assistance.

17 "Emergency medical response entity" means an organization,
18 company, governmental entity, community-based program, or
19 healthcare system that provides pre-hospital emergency medical
20 services and assistance to opioid or heroin addicts or abusers in the
21 event of an overdose. "Emergency medical response entity"
22 includes, but is not limited to, a first aid, rescue and ambulance
23 squad or other basic life support (BLS) ambulance provider; a
24 mobile intensive care provider or other advanced life support (ALS)
25 ambulance provider; an air medical service provider; or a fire-
26 fighting company or organization, which squad, provider, company,
27 or organization is qualified to send paid or volunteer emergency
28 medical responders to the scene of an emergency.

29 "Emergency medical responder" means a person, other than a
30 health care practitioner, who is employed on a paid or volunteer
31 basis in the area of emergency response, including, but not limited
32 to, an emergency medical technician, a mobile intensive care
33 paramedic, or a fire fighter, acting in that person's professional
34 capacity.

35 "First responder" means a law enforcement officer, paid or
36 volunteer firefighter, emergency medical responder, or any other
37 individual who, in the course of that individual's employment, is
38 dispatched to the scene of an emergency situation for the purpose of
39 providing medical care or other assistance.

40 "Health care practitioner" means a prescriber, pharmacist, or
41 other individual whose professional practice is regulated pursuant to
42 Title 45 of the Revised Statutes, and who, in accordance with the
43 practitioner's scope of professional practice, prescribes or dispenses
44 an opioid antidote.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Medical assistance" means professional medical services that
2 are provided to a person experiencing a drug overdose by a health
3 care practitioner, acting within the practitioner's scope of
4 professional practice, including professional medical services that
5 are mobilized through telephone contact with the 911 telephone
6 emergency service.

7 "Opioid antidote" means any drug, regardless of dosage amount
8 or method of administration, which has been approved by the
9 United States Food and Drug Administration (FDA) for the
10 treatment of an opioid overdose. "Opioid antidote includes, but is
11 not limited to, naloxone hydrochloride, in any dosage amount,
12 which is administered through nasal spray or any other FDA-
13 approved means or methods.

14 "Patient" means a person who is at risk of an opioid overdose or
15 a person who is not at risk of an opioid overdose who, in the
16 person's individual capacity, obtains an opioid antidote from a
17 health care practitioner, professional, or professional entity for the
18 purpose of administering that antidote to another person in an
19 emergency, in accordance with subsection c. of section 4 of
20 P.L.2013, c.46 (C.24:6J-4). "Patient" includes a professional who is
21 acting in that professional's individual capacity, but does not
22 include a professional who is acting in a professional capacity.

23 "Prescriber" means a health care practitioner authorized by law
24 to prescribe medications who, acting within the practitioner's scope
25 of professional practice, prescribes an opioid antidote. "Prescriber"
26 includes, but is not limited to, a physician, physician assistant, or
27 advanced practice nurse.

28 "Professional" means a person, other than a health care
29 practitioner, who is employed on a paid basis or is engaged on a
30 volunteer basis in the areas of substance abuse treatment or therapy,
31 criminal justice, or a related area, and who, acting in that person's
32 professional or volunteer capacity, obtains an opioid antidote from a
33 health care practitioner for the purposes of dispensing or
34 administering that antidote to other parties in the course of business
35 or volunteer activities. "Professional" includes, but is not limited
36 to, a sterile syringe access program employee, or a law enforcement
37 official.

38 "Professional entity" means an organization, company,
39 governmental entity, community-based program, sterile syringe
40 access program, or any other organized group that employs two or
41 more professionals who engage, during the regular course of
42 business or volunteer activities, in direct interactions with opioid or
43 heroin addicts or abusers or other persons susceptible to opioid
44 overdose, or with other persons who are in a position to provide
45 direct medical assistance to opioid or heroin addicts or abusers in
46 the event of an overdose.

47 "Recipient" means a patient, professional, professional entity,
48 emergency medical responder, emergency medical response entity,

1 school, school district, or school nurse who is prescribed or
2 dispensed an opioid antidote in accordance with section 4 of
3 P.L.2013, c.46 (C.24:6J-4).
4 (cf: P.L.2018, c.106, s.7)

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6 2. (New section) A first responder who administers an opioid
7 antidote or provides other emergency treatment to a person
8 experiencing a drug overdose shall transport, or arrange for the
9 transportation of, that person to a hospital emergency department,
10 where the person shall be provided with any additional medical
11 treatment for the overdose as may be necessary and, within the
12 limits of available funds and resources, be provided with substance
13 use disorder counseling and referrals to substance use disorder
14 treatment resources. A first responder shall not be subject to any
15 criminal or civil liability or any disciplinary action for any acts or
16 omissions, undertaken in good faith, arising out of the
17 transportation of, or failure to transport, a person treated for a drug
18 overdose to as required under this paragraph.

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20 3. This act shall take effect immediately.

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23 STATEMENT

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25 This bill requires first responders, including law enforcement
26 officers, firefighters, and emergency medical responders, who
27 administer an opioid antidote or provide other emergency treatment
28 to a person experiencing a drug overdose, to transport or arrange for
29 the transportation of that person to a hospital emergency
30 department, where the person will receive any additional medical
31 treatment for the overdose as may be necessary and, within the
32 limits of available funds and resources, substance use disorder
33 counseling and referrals to substance use disorder treatment
34 resources.

35 The bill provides immunity from civil or criminal liability and
36 from disciplinary actions for any act or omission, undertaken in
37 good faith, arising out of the transportation of, or failure to
38 transport, a person treated for a drug overdose.

39 It is the sponsor's belief that requiring the transportation of drug
40 overdose victims to hospital emergency departments will help
41 encourage those individuals to seek treatment for their substance
42 use disorder and may help prevent subsequent, and potentially fatal,
43 drug overdoses.