

SPONSOR: Rep. Barbieri & Sen. Peterson & Sen. Hall-Long
Reps. Dukes, Heffernan, J. Johnson, Q. Johnson, Keeley, Kowalko, Mulrooney, Osienski, Paradee, B. Short, D.E. Williams

HOUSE OF REPRESENTATIVES

147th GENERAL ASSEMBLY

HOUSE BILL NO. 388
AS AMENDED BY
HOUSE AMENDMENT NO. 1, SENATE
AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE TREATMENT OF DRUG OVERDOSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 30D. NALOXONE

§3001D. Administration of naloxone by peace officers and the Community-Based Naloxone Access Program.

(a) A peace officer is authorized to receive, carry, and administer the drug naloxone if the peace officer has completed a Department approved training course.

(b) A peace officer who, acting in good faith and after completing a Department approved training course, administers the drug naloxone to an individual whom the officer reasonably believes to be undergoing an opioid-related drug overdose shall not be liable for damages for injuries or death sustained to the individual in connection with administering the drug, unless it is established that such injuries or death were caused willfully, wantonly or by gross negligence on the part of the peace officer who administered the drug.

(c) Nothing in this chapter mandates that any law enforcement agency require its peace officers to carry or administer naloxone.

HD : KL : LLB:1941470388
LC : MJC : RAY:4801470200

(d) Notwithstanding any other provision of law, the purchase, acquisition, possession or use of naloxone pursuant to this section shall not constitute the unlawful practice of a profession or violation of the Uniform Controlled Substances Act.

(e) DHSS shall create written and uniform treatment and care plans for emergency and critical patients statewide that constitute the standing orders for the administration of naloxone by peace officers and participants in the Community-Based Naloxone Access Program. The treatment protocol for naloxone administration under this Chapter must be approved and signed by the State EMS Medical Director, or the Medical Director or the Director of the Division of Public Health, Department of Health and Social Services. Doctors prescribing naloxone who, acting in good faith, directly or by standing order, prescribes or dispenses the drug naloxone to a person who completes an approved-training program who, in the judgment of the health-care provider, is capable of administering the drug for an emergency opioid overdose, shall not be subject to disciplinary or other adverse action under any professional licensing statute, criminal liability, or liable for damages for injuries or death sustained to the individual in connection with administering the drug, unless it is established that such injuries or death were caused willfully, wantonly, or by gross negligence on the part of the doctors who signed the standing order and protocol.

(f) DHSS is authorized to oversee the implementation and monitoring of the Peace Officer and Community-Based Naloxone Access Programs.

HD : KL : LLB:1941470388
LC : MJC : RAY:4801470200