
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1377 Session of
2019

INTRODUCED BY MARKOSEK, ISAACSON, KINSEY, HOHENSTEIN, MULLINS,
SCHLOSSBERG, McNEILL, RAVENSTAHL, HERSHEY, KENYATTA, HILL-
EVANS, WILLIAMS, FIEDLER, CIRESI, SAINATO, ZABEL, ULLMAN,
KORTZ, PASHINSKI, YOUNGBLOOD, DEASY AND MALAGARI, MAY 1, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MAY 1, 2019

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.

18 (b) Requirements.--A person that acquires and maintains

1 naloxone for use in accordance with this section shall:

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

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

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

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

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

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

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

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

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

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

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

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