

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

456B0151

## SENATE BILL NO. 84

Introduced by: Senators Stalzer, Blare, Bolin, Cammack, Ewing, Jensen (Phil), Kennedy, Kolbeck, Langer, Maher, Nelson, Nesiba, Novstrup, Partridge, Rusch, Schoenbeck, Soholt, Solano, Steinhauer, White, and Wiik and Representatives Jensen (Kevin), Diedrich, Duba, Greenfield (Lana), Johns, Otten (Herman), Peterson (Sue), Qualm, Reed, Ring, Schoenfish, Steele, Sullivan, and Willadsen

1 FOR AN ACT ENTITLED, An Act to authorize the possession and administration of opioid  
2 antagonists by school district and nonpublic school personnel.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-33A be amended by adding a NEW SECTION to read:

5 The board of a school district and the governing board of a nonpublic school may acquire  
6 opioid antagonists and make those available to personnel who are authorized to possess and  
7 administer the opioid antagonists in accordance with § 34-20A-100.

8 Section 2. That § 34-20A-98 be amended to read:

9 34-20A-98. Any ~~first responder~~ individual trained in ~~compliance~~ accordance with § 34-20A-  
10 101 and acting under a standing order issued by a physician licensed pursuant to chapter 36-4  
11 may possess an opioid antagonist and administer the opioid antagonists ~~to a person~~ antagonist  
12 to anyone exhibiting symptoms of an opiate overdose. The standing order shall:

13 (1) Specify the method of opioid antagonist administration that is compatible with the



1           education and training of the individual;

2           (2)   Be retained by the issuing physician and by the employer of the individual; and

3           (3)   Expire three years after the date of issuance.

4           Section 3. That § 34-20A-99 be amended to read:

5           34-20A-99. For the purposes of §§ 34-20A-98 to 34-20A-101, inclusive, and § 34-20A-103,  
6 ~~inclusive~~, the term, opioid antagonist, means naloxone hydrochloride or any other similarly  
7 acting ~~and equally safe~~ drug approved by the federal Food and Drug Administration for the  
8 treatment of drug overdose.

9           Section 4. That § 34-20A-100 be amended to read:

10          34-20A-100. For the purposes of §§ 34-20A-98 to 34-20A-101, inclusive, and § 34-20A-  
11 103, inclusive, the term, first responder, includes: individuals authorized to possess an opioid  
12 antagonist and administer the antagonist in the event of a suspected opiate overdose include:

13          (1)   A law enforcement officer as defined ~~by~~ in subdivision 22-1-2(22);

14          (2)   A driver and attendant ~~responding to an emergency call as part of~~ employed by an  
15 ambulance service licensed pursuant to chapter 34-11; ~~and~~

16          (3)   A firefighter; and

17          (4)   School district and nonpublic school personnel.

18          Section 5. That § 34-20A-101 be amended to read:

19          34-20A-101. ~~Each first responder authorized to administer an opioid antagonist shall be~~  
20 ~~trained in the symptoms~~ The Board of Medical and Osteopathic Examiners shall, by rule  
21 promulgated pursuant to chapter 1-26, establish the qualifications that an individual shall  
22 possess in order to provide the training required by § 34-20A-98 and this section and set forth  
23 the training criteria. The criteria shall include:

24          (1)   Symptoms of an opiate overdose; ~~the protocols~~

(2) Protocols and procedures for administration of administering an opioid antagonist;  
~~the symptoms~~

(3) Symptoms of adverse responses to an opioid antagonist, and protocols;

(4) Protocols and procedures to stabilize for stabilizing the patient if an adverse response  
~~occurs; and the procedures for storage, transport, and security of the~~

(5) Procedures for transporting, storing, and securing an opioid antagonist. The training  
~~shall comply with the criteria established pursuant to § 34-20A-102, and may be~~  
~~provided by the employer of first responders at the employer's discretion.~~

Section 6. That § 34-20A-103 be amended to read:

34-20A-103. ~~A physician who issues a standing order under the rules established pursuant~~  
~~to § 34-20A-102, a first responder acting under a standing order who administers an opioid~~  
~~antagonist in good faith compliance with the protocols for administering an opioid antagonist,~~  
~~and the first responder's employer, are not civilly liable for injuries, and may not be held to pay~~  
~~damages to any person, or the person's parents, siblings, children, estate, heirs, or devisees, for~~  
~~injuries or death associated with the administration of an opioid antagonist. Immunity from civil~~  
liability for injury or death, associated with or resulting from the administration of opioid  
antagonists, extends to:

(1) An individual authorized to possess and administer an opioid antagonist, provided  
the individual acted in good faith and in accordance with §§ 34-20A-98 to 34-20A-  
101, inclusive; and

(2) The employer of an individual authorized to possess and administer an opioid  
antagonist, provided the individual acted in good faith and in accordance with §§ 34-  
20A-98 to 34-20A-101, inclusive.

Section 7. That § 34-20A-102 be repealed.

1     ~~34-20A-102. The Board of Medical and Osteopathic Examiners shall promulgate rules,~~  
2     ~~pursuant to chapter 1-26, establishing:~~

3     ~~(1) The criteria for training a first responder to comply with the provisions of § 34-20A-~~  
4         ~~101; and~~

5     ~~(2) The requirements for a physician's issuance of a standing order to a first responder~~  
6         ~~authorizing a prescription for the first responder's possession of an opioid antagonist~~  
7         ~~and the protocols and procedures to be followed in administering an opioid~~  
8         ~~antagonist.~~