

# ASSEMBLY, No. 3838

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 12, 2018

**Sponsored by:**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

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**District 2 (Atlantic)**

**SYNOPSIS**

Authorizes public libraries to maintain supply of opioid antidotes and permits emergency administration of opioid antidote by librarian or other trained library employee.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the emergency administration of opioid  
2 antidotes in public libraries, supplementing chapter 73 of Title  
3 18A of the New Jersey Statutes, and amending P.L.2013, c.46.

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

7  
8 1. (New section) As used in this act:

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

16 “Opioid overdose” means an acute condition including, but not  
17 limited to, extreme physical illness, decreased level of  
18 consciousness, respiratory depression, coma, or death resulting  
19 from the consumption or use of an opioid drug or another substance  
20 with which an opioid drug was combined, and that a layperson  
21 would reasonably believe to require medical assistance.

22 “Public library” means a library that serves free of charges all  
23 residents of an area without discrimination and receives its financial  
24 support, in whole or in part, from public funds.

25  
26 2. (New section) a. A public library may obtain a supply of  
27 opioid antidotes pursuant to a standing order under section 4 of the  
28 “Overdose Prevention Act,” P.L.2013, c.46 (C.24:6J-4) or section 1  
29 of P.L.2017, c.88 (C.45:14-67.2), to be maintained in a secure  
30 location in the library for the purpose of responding to an opioid  
31 overdose emergency. A public library may apply for a grant  
32 pursuant to section 4 of this act for the costs of (1) purchasing  
33 opioid antidotes, and (2) training to enable employees of the library  
34 to administer opioid antidotes.

35 b. A public library that maintains a supply of opioid antidotes  
36 shall ensure that at least one librarian or other library employee has  
37 received training on standardized protocols for the administration of  
38 an opioid antidote to a person who experiences an opioid overdose.  
39 The training shall include the overdose prevention information  
40 described in subsection a. of section 5 of the “Overdose Prevention  
41 Act,” P.L.2013, c.46 (C.24:6J-5). The State Librarian, in  
42 consultation with the Department of Human Services, shall specify  
43 an appropriate entity or entities to provide the training to library  
44 employees.

**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 c. A librarian or other library employee who is trained pursuant  
2 to subsection b. of this section may administer an opioid antidote to  
3 any person whom the librarian or employee in good faith believes is  
4 experiencing an opioid overdose. The librarian or employee shall  
5 only be authorized to administer opioid antidotes after receiving the  
6 training required under subsection b. of this section.

7 d. A librarian or library employee who administers an opioid  
8 antidote shall ensure that the overdose victim is transported to a  
9 hospital emergency room by emergency services personnel after the  
10 administration of the opioid antidote, even if the person's symptoms  
11 appear to have resolved.

12  
13 3. (New section) No public library, librarian, library employee,  
14 pharmacist, or a prescriber of opioid antidotes for a library through  
15 a standing order, shall be held liable for any good faith act or  
16 omission consistent with the provisions of this act. Good faith shall  
17 not include willful misconduct, gross negligence, or recklessness.

18  
19 4. (New section) a. The Commissioner of Human Services  
20 may establish a grant program, based upon any monies appropriated  
21 by the Legislature, to award grants to public libraries for the  
22 purposes of purchasing opioid antidotes and providing training to  
23 enable employees of the library to administer opioid antidotes. In  
24 addition to any monies appropriated by the Legislature, the  
25 commissioner may seek money from the federal government,  
26 private foundations, and any other source to fund the grants  
27 established pursuant to this section.

28 b. To be eligible for consideration of a grant award, a public  
29 library shall submit an application to the Department of Human  
30 Services, in accordance with application procedures and  
31 requirements prescribed by the commissioner. A grant application  
32 shall include, at a minimum, information regarding: the quantity of  
33 opioid antidotes the library intends to obtain; the number of library  
34 employees who are, or will be, trained in administering opioid  
35 antidotes; the prevalence of opioid abuse and overdose deaths in the  
36 geographic area where the library is located; and any other  
37 information specified by the commissioner.

38 c. The commissioner shall establish selection criteria for the  
39 awarding of grant funds under the program and shall award grants  
40 based upon review of the applications and subject to the availability  
41 of funds. The commissioner shall establish the amount for each  
42 grant that is approved.

43  
44 5. Section 3 of P.L.2013, c.46 (C.24:6J-3) is amended to read  
45 as follows:

46 3. As used in this act:  
47 "Commissioner" means the Commissioner of Human Services.

1 "Drug overdose" means an acute condition including, but not  
2 limited to, physical illness, coma, mania, hysteria, or death resulting  
3 from the consumption or use of a controlled dangerous substance or  
4 another substance with which a controlled dangerous substance was  
5 combined and that a layperson would reasonably believe to require  
6 medical assistance.

7 "Emergency medical response entity" means an organization,  
8 company, governmental entity, community-based program, or  
9 healthcare system that provides pre-hospital emergency medical  
10 services and assistance to opioid or heroin addicts or abusers in the  
11 event of an overdose. "Emergency medical response entity"  
12 includes, but is not limited to, a first aid, rescue and ambulance  
13 squad or other basic life support (BLS) ambulance provider; a  
14 mobile intensive care provider or other advanced life support (ALS)  
15 ambulance provider; an air medical service provider; or a fire-  
16 fighting company or organization, which squad, provider, company,  
17 or organization is qualified to send paid or volunteer emergency  
18 medical responders to the scene of an emergency.

19 "Emergency medical responder" means a person, other than a  
20 health care practitioner, who is employed on a paid or volunteer  
21 basis in the area of emergency response, including, but not limited  
22 to, an emergency medical technician, a mobile intensive care  
23 paramedic, or a fire fighter, acting in that person's professional  
24 capacity.

25 "Health care practitioner" means a prescriber, pharmacist, or  
26 other individual whose professional practice is regulated pursuant to  
27 Title 45 of the Revised Statutes, and who, in accordance with the  
28 practitioner's scope of professional practice, prescribes or dispenses  
29 an opioid antidote.

30 "Medical assistance" means professional medical services that  
31 are provided to a person experiencing a drug overdose by a health  
32 care practitioner, acting within the practitioner's scope of  
33 professional practice, including professional medical services that  
34 are mobilized through telephone contact with the 911 telephone  
35 emergency service.

36 "Opioid antidote" means any drug, regardless of dosage amount  
37 or method of administration, which has been approved by the  
38 United States Food and Drug Administration (FDA) for the  
39 treatment of an opioid overdose. "Opioid antidote" includes, but is  
40 not limited to, naloxone hydrochloride, in any dosage amount,  
41 which is administered through nasal spray or any other FDA-  
42 approved means or methods.

43 "Patient" means a person who is at risk of an opioid overdose or  
44 a person who is not at risk of an opioid overdose who, in the  
45 person's individual capacity, obtains an opioid antidote from a  
46 health care practitioner, professional, or professional entity for the  
47 purpose of administering that antidote to another person in an  
48 emergency, in accordance with subsection c. of section 4 of

1 P.L.2013, c.46 (C.24:6J-4). "Patient" includes a professional who is  
2 acting in that professional's individual capacity, but does not  
3 include a professional who is acting in a professional capacity.

4 "Prescriber" means a health care practitioner authorized by law  
5 to prescribe medications who, acting within the practitioner's scope  
6 of professional practice, prescribes an opioid antidote. "Prescriber"  
7 includes, but is not limited to, a physician, physician assistant, or  
8 advanced practice nurse.

9 "Professional" means a person, other than a health care  
10 practitioner, who is employed on a paid basis or is engaged on a  
11 volunteer basis in the areas of substance abuse treatment or therapy,  
12 criminal justice, or a related area, and who, acting in that person's  
13 professional or volunteer capacity, obtains an opioid antidote from a  
14 health care practitioner for the purposes of dispensing or  
15 administering that antidote to other parties in the course of business  
16 or volunteer activities. "Professional" includes, but is not limited  
17 to, a sterile syringe access program employee, or a law enforcement  
18 official.

19 "Professional entity" means an organization, company,  
20 governmental entity, community-based program, sterile syringe  
21 access program, or any other organized group that employs two or  
22 more professionals who engage, during the regular course of  
23 business or volunteer activities, in direct interactions with opioid or  
24 heroin addicts or abusers or other persons susceptible to opioid  
25 overdose, or with other persons who are in a position to provide  
26 direct medical assistance to opioid or heroin addicts or abusers in  
27 the event of an overdose.

28 "Recipient" means a patient, professional, professional entity,  
29 emergency medical responder, **[or]** emergency medical response  
30 entity, or public library who is prescribed or dispensed an opioid  
31 antidote in accordance with section 4 of P.L.2013, c.46 (C.24:6J-4).  
32 (cf: P.L.2017, c.381, s.1)

33

34 6. Section 4 of P.L.2013, c.46 (C.24:6J-4) is amended to read  
35 as follows:

36 4. a. (1) A prescriber or other health care practitioner, as  
37 appropriate, may prescribe or dispense an opioid antidote:

38 (a) directly or through a standing order, to any recipient who is  
39 deemed by the health care practitioner to be capable of  
40 administering the opioid antidote to an overdose victim in an  
41 emergency;

42 (b) through a standing order, to any professional or emergency  
43 medical responder who is not acting in a professional or volunteer  
44 capacity for a professional entity, or an emergency medical  
45 response entity, but who is deemed by the health care practitioner to  
46 be capable of administering opioid antidotes to overdose victims, as  
47 part of the professional's regular course of business or volunteer  
48 activities;

1 (c) through a standing order, to any professional who is not  
2 acting in a professional or volunteer capacity for a professional  
3 entity, but who is deemed by the health care practitioner to be  
4 capable of dispensing opioid antidotes to recipients, for  
5 administration thereby, as part of the professional's regular course  
6 of business or volunteer activities;

7 (d) through a standing order, to any professional entity or any  
8 emergency medical response entity, which is deemed by the health  
9 care practitioner to employ professionals or emergency medical  
10 responders, as appropriate, who are capable of administering opioid  
11 antidotes to overdose victims as part of the entity's regular course of  
12 business or volunteer activities;

13 (e) through a standing order, to any professional entity which is  
14 deemed by the health care practitioner to employ professionals who  
15 are capable of dispensing opioid antidotes to recipients, for  
16 administration thereby, as part of the entity's regular course of  
17 business or volunteer activities ;

18 (f) through a standing order, to a public library pursuant to the  
19 provisions of section 2 of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill).

21 (2) (a) For the purposes of this subsection, whenever the law  
22 expressly authorizes or requires a certain type of professional or  
23 professional entity to obtain a standing order for opioid antidotes  
24 pursuant to this section, such professional, or the professionals  
25 employed or engaged by such professional entity, as the case may  
26 be, shall be presumed by the prescribing or dispensing health care  
27 practitioner to be capable of administering or dispensing the opioid  
28 antidote, consistent with the express statutory requirement.

29 (b) For the purposes of this subsection, whenever the law  
30 expressly requires a certain type of emergency medical responder or  
31 emergency medical response entity to obtain a standing order for  
32 opioid antidotes pursuant to this section, such emergency medical  
33 responder, or the emergency medical responders employed or  
34 engaged by such emergency medical response entity, as the case  
35 may be, shall be presumed by the prescribing or dispensing health  
36 care practitioner to be capable of administering the opioid antidote,  
37 consistent with the express statutory requirement.

38 (3) (a) Whenever a prescriber or other health care practitioner  
39 prescribes or dispenses an opioid antidote to a professional or  
40 professional entity pursuant to a standing order issued under  
41 paragraph (1) of this subsection, the standing order shall specify  
42 whether the professional or professional entity is authorized thereby  
43 to directly administer the opioid antidote to overdose victims; to  
44 dispense the opioid antidote to recipients, for their administration to  
45 third parties; or to both administer and dispense the opioid antidote.  
46 If a standing order does not include a specification in this regard, it  
47 shall be deemed to authorize the professional or professional entity  
48 only to administer the opioid antidote with immunity, as provided

1 by subsection c. of this section, and it shall not be deemed to  
2 authorize the professional or professional entity to engage in the  
3 further dispensing of the antidote to recipients, unless such  
4 authority has been granted by law, as provided by subparagraph (b)  
5 of this paragraph.

6 (b) Notwithstanding the provisions of this paragraph to the  
7 contrary, if the law expressly authorizes or requires a certain type of  
8 professional, professional entity, emergency medical responder,  
9 **[or]** emergency medical response entity, or public library to  
10 administer or dispense opioid antidotes pursuant to a standing order  
11 issued hereunder, the standing order issued pursuant to this section  
12 shall be deemed to grant the authority specified by the law, even if  
13 such authority is not expressly indicated on the face of the standing  
14 order.

15 (4) Any prescriber or other health care practitioner who  
16 prescribes or dispenses an opioid antidote in good faith, and in  
17 accordance with the provisions of this subsection, shall not, as a  
18 result of the practitioner's acts or omissions, be subject to any  
19 criminal or civil liability, or any professional disciplinary action  
20 under Title 45 of the Revised Statutes for prescribing or dispensing  
21 an opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et  
22 seq.).

23 b. (1) Any professional or professional entity that has obtained  
24 a standing order, pursuant to subsection a. of this section, for the  
25 dispensing of opioid antidotes, may dispense an opioid antidote to  
26 any recipient who is deemed by the professional or professional  
27 entity to be capable of administering the opioid antidote to an  
28 overdose victim in an emergency.

29 (2) Any professional or professional entity that dispenses an  
30 opioid antidote in accordance with paragraph (1) of this subsection,  
31 in good faith, and pursuant to a standing order issued under  
32 subsection a. of this section, shall not, as a result of any acts or  
33 omissions, be subject to any criminal or civil liability or any  
34 professional disciplinary action for dispensing an opioid antidote in  
35 accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

36 c. (1) Any emergency medical responder or emergency medical  
37 response entity that has obtained a standing order, pursuant to  
38 subsection a. of this section, for the administration of opioid  
39 antidotes, may administer an opioid antidote to overdose victims.

40 (2) Any emergency medical responder or emergency medical  
41 response entity that administers an opioid antidote, in good faith, in  
42 accordance with paragraph (1) of this subsection, and pursuant to a  
43 standing order issued under subsection a. of this section, shall not,  
44 as a result of any acts or omissions, be subject to any criminal or  
45 civil liability, or any disciplinary action, for administering the  
46 opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et  
47 seq.).

1 d. (1) Any person who is the recipient of an opioid antidote,  
2 which has been prescribed or dispensed for administration purposes  
3 pursuant to subsection a. or b. of this section, and who has received  
4 overdose prevention information pursuant to section 5 of P.L.2013,  
5 c.46 (C.24:6J-5), may administer the opioid antidote to another  
6 person in an emergency, without fee, if the antidote recipient  
7 believes, in good faith, that the other person is experiencing an  
8 opioid overdose.

9 (2) Any person who administers an opioid antidote pursuant to  
10 paragraph (1) of this subsection shall not, as a result of the person's  
11 acts or omissions, be subject to any criminal or civil liability for  
12 administering the opioid antidote in accordance with P.L.2013, c.46  
13 (C.24:6J-1 et seq.).

14 e. In addition to the immunity that is provided by this section  
15 for authorized persons who are engaged in the prescribing,  
16 dispensing, or administering of an opioid antidote, the immunity  
17 provided by section 7 or section 8 of P.L.2013, c.46 (C.2C:35-30 or  
18 C.2C:35-31) shall apply to a person who acts in accordance with  
19 this section, provided that the requirements of those sections, as  
20 applicable, have been met.

21 f. Notwithstanding the provisions of any law, rule, regulation,  
22 ordinance, or institutional or organizational directive to the  
23 contrary, any person or entity authorized to administer an opioid  
24 antidote, pursuant to this section, may administer to an overdose  
25 victim, with full immunity:

26 (1) a single dose of any type of opioid antidote that has been  
27 approved by the United States Food and Drug Administration for  
28 use in the treatment of opioid overdoses; and

29 (2) up to three doses of an opioid antidote that is administered  
30 through intranasal application, or through an intramuscular auto-  
31 injector, as may be necessary to revive the overdose victim. Prior  
32 consultation with, or approval by, a third-party physician or other  
33 medical personnel shall not be required before an authorized person  
34 or entity may administer up to three doses of an opioid antidote, as  
35 provided in this paragraph, to the same overdose victim.

36 g. No later than 45 days after the effective date of P.L.2017,  
37 c.381, the Commissioner of Health shall provide written notice to  
38 all emergency medical response entities affected by subsection f. of  
39 this section, notifying them of the provisions of subsection f. of this  
40 section.

41 h. Any public library, librarian, or library employee who  
42 administers, or permits the administration of, an opioid antidote in  
43 good faith in accordance with the provisions of section 2 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), and  
45 pursuant to a standing order issued under subsection a. of this  
46 section, shall not, as a result of any acts or omissions, be subject to  
47 any criminal or civil liability, or any disciplinary action, for



1 administering, or for permitting the administration of, the opioid  
2 antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

3 (cf: P.L.2017, c.381, s.2)

4  
5 7. This act shall take effect on the first day of the fourth month  
6 next following the date of enactment.

7  
8  
9 STATEMENT

10  
11 This bill permits a public library to obtain a supply of opioid  
12 antidotes to be maintained in a secure location in the library for the  
13 purpose of responding to an opioid overdose emergency. A public  
14 library may obtain the opioid antidotes through a standing order  
15 pursuant to the “Overdose Prevention Act,” P.L.2013, c.46  
16 (C.24:6J-1 et seq.), or from a pharmacist pursuant to the provisions  
17 of P.L.2017, c.88 (C.45:14-67.2). A library that maintains a supply  
18 of opioid antidotes is required to have at least one librarian or other  
19 library employee who is trained in the administration of opioid  
20 antidotes. The State Librarian, in consultation with the Department  
21 of Human Services, will specify an appropriate entity or entities to  
22 provide the training to library employees, and the training will  
23 include the overdose prevention information described in subsection  
24 a. of section 5 of the “Overdose Prevention Act” (C.24:6J-5).  
25 Under the bill, a librarian or other library employee who is properly  
26 trained will be permitted to administer an opioid antidote to any  
27 person whom the librarian or employee in good faith believes is  
28 experiencing an opioid overdose.

29 The bill authorizes the Commissioner of Human Services to  
30 establish a grant program in order to assist public libraries with the  
31 costs of purchasing opioid antidotes and providing training to  
32 library employees. The grant program will be based upon any  
33 monies appropriated by the Legislature and any monies the  
34 commissioner may seek from the federal government, private  
35 foundations, or other sources. To be eligible for consideration of a  
36 grant award, a public library will submit an application to the  
37 Department of Human Services in accordance with application  
38 procedures and requirements prescribed by the commissioner. At a  
39 minimum, the grant applications will include information regarding:  
40 the quantity of opioid antidotes the library intends to obtain; the  
41 number of library employees who are, or will be, trained in  
42 administering opioid antidotes; the prevalence of opioid abuse and  
43 overdose deaths in the geographic area where the library is located;  
44 and other information as specified by the commissioner. The  
45 commissioner will establish selection criteria for awarding the  
46 grants, subject to the availability of funds, and will determine the  
47 amount for each grant that is approved.

1       The bill provides immunity from liability for public libraries,  
2 librarians, library employees, pharmacists, and prescribers of opioid  
3 antidotes for libraries, for good faith acts or omissions consistent  
4 with the bill's provisions. In addition, the bill amends the  
5 "Overdose Prevention Act" to: (1) include public libraries among  
6 the recipients that may be prescribed opioid antidotes through a  
7 standing order; and (2) provide that immunity from liability for  
8 opioid antidote administration in accordance with the "Overdose  
9 Prevention Act" will be applicable to public libraries, librarians,  
10 and library employees who administer, or permit the administration  
11 of, opioid antidotes in good faith under the provisions of the bill.