

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
10-37 (COR)	Therese M. Terlaje Chris "Malafunkshun" Barnett	AN ACT RELATIVE TO AUTHORIZING LAW ENFORCEMENT, FIRST RESPONDER, AND COMMUNITY ORGANIZATION ACCESS TO NALOXONE TO PREVENT OPIOID OVERDOSE, INCLUDING FENTANYL, TO BE KNOWN AS "THE GUAM OPIOID OVERDOSE PREVENTION ACT OF 2023," BY ADDING A NEW CHAPTER 16 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED.	1/18/23 1:18 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 10-37 (COR)

Introduced by:

Therese M. Terlaje *TMT*
Chris "Malafunkshun" Barnett *DCB*

AN ACT RELATIVE TO AUTHORIZING LAW ENFORCEMENT, FIRST RESPONDER, AND COMMUNITY ORGANIZATION ACCESS TO NALOXONE TO PREVENT OPIOID OVERDOSE, INCLUDING FENTANYL, TO BE KNOWN AS "THE GUAM OPIOID OVERDOSE PREVENTION ACT OF 2023," BY ADDING A NEW CHAPTER 16 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 16 to Division 1, Title 10, Guam Code Annotated is hereby added, to read:

"CHAPTER 16

THE GUAM OPIOID OVERDOSE PREVENTATION ACT OF
2023

§ 16101. Title.

§ 16102. Legislative Findings and Intent.

§ 16103. Definitions.

§ 16104. Health Care Professional Prescriptive Authority.

§ 16105. Dispensing and Distribution of Naloxone by Community-Based Organization Employee, or Volunteer.

§ 16106. Dispensing and Distribution of Naloxone by Pharmacist.

1 § 16107. Training Required for Dispensation or Distribution of Opioid
2 Antagonist.

3 § 16108. Immunity from Civil or Criminal Liability.

4 §16109. Furnishing naloxone hydrochloride or other opioid antagonist
5 to law enforcement agency, conditions, records.

6 § 16110. Severability.

7 **§ 161101. Title. This Chapter may be cited at the Guam Opioid**
8 **Overdose Prevention Act of 2023.**

9 **§ 16102. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
10 that the United States is in the midst of the worst opioid epidemic in history.
11 According to the United States Centers for Disease Control, the number of Opioid
12 drug overdose deaths increased by nearly thirty percent (30%) from 2019 to 2020
13 and has quintupled since 1999. Nearly seventy-five percent (75%) of the 91,799
14 drug overdose deaths in 2020 involved an opioid. Experts believe that this
15 staggering number of overdose deaths is based on several factors, including an
16 increase in illicitly manufactured fentanyl and other synthetic opioids. Opioid
17 antagonists, such as naloxone, can be used during emergencies to reverse opioid
18 overdoses and are effective at preventing fatal drug overdoses.

19 *I Liheslatura Guåhan* further finds that the United States Centers for
20 Disease Control and Prevention reported that despite an increase in prescriptions
21 for emergency opioid antagonists, not enough of the medication is getting into the
22 hands of those who need it most while expanding access to emergency opioid
23 antagonists and encouraging citizens of Guam to obtain emergency opioid
24 antagonists are in Guam's best interests.

25 *I Liheslaturan Guåhan* intends to potentially save the lives of individuals who
26 experience an opioid overdose by expanding access to, and availability of,
27 emergency opioid antagonists within the state, address the critical need to provide
28 uniformity in the ability of citizens of Guam to access emergency opioid antagonists,

1 encourage citizens to obtain emergency opioid antagonists, grant immunity to
2 individuals administering opioid antagonists, establish a pilot program for bystander
3 access, and promote initiatives that educate citizens on the life-saving potential of
4 emergency opioid antagonists by enacting the *Guam Opioid Overdose Prevention*
5 *Act of 2023.*

6 **§ 16103. Definitions.**

7 (a) For the purposes of this section, the term:

8 (1) “Community-based organization” means a public or private
9 organization that is representative of a community or
10 significant segments of a community that provides
11 educational, health, or social services to individuals in the
12 community. This definition also includes local health
13 departments.

14 (2) “First responder” means a law enforcement officer,
15 firefighter, emergency medical services provider, or other
16 individual who, in an official capacity, responds to an
17 emergency or critical incident. This includes individuals
18 working in an official or volunteer capacity.

19 (3) "Health care professional" means a physician, pharmacist, or
20 nurse practitioner licensed under Chapter 12 of Title 10
21 Guam Code Annotated practicing within the scope of practice
22 for his or her profession.

23 (4) "Opioid antagonist" means a drug, including but not limited
24 to naloxone, approved by the United States Food and Drug
25 Administration for the complete or partial reversal of an
26 opioid overdose.

1 (5) "Standing order" means a prewritten, non-individual specific
2 order issued by a prescriber that authorizes the dispensing of
3 a drug to, or administration of the drug by, any individual.

4 **§ 16104. Health Care Professional Prescriptive Authority.** Except as
5 provided in Subsection 16107 of this Act, a health care professional acting in good
6 faith may directly or by standing order prescribe, dispense, and distribute an
7 opioid antagonist to the following persons:

- 8 (a) A person at risk of experiencing an opioid-related overdose;
9 (b) A family member, friend, or other person in a position to assist a
10 person at risk of experiencing an opioid-related overdose;
11 (c) A first responder; or
12 (d) An employee or volunteer of a community-based organization.

13 **§ 16105. Dispensing and Distribution of Naloxone by Community-**
14 **Based Organization Employee, or Volunteer.** Except as provided in Subsection
15 16107 of this Act, an employee or volunteer of a community-based organization
16 acting in good faith and in accordance with a standing order or under a health care
17 professional's prescriptive authority may dispense and distribute an opioid
18 antagonist to the following persons:

- 19 (a) A person at risk of experiencing an opioid-related overdose; or
20 (b) A family member, friend, or other person in a position to assist a
21 person at risk of experiencing an opioid-related overdose.

22 **§ 16106. Dispensing and Distribution of Naloxone by Pharmacist.** A
23 pharmacist may dispense or distribute, but not prescribe, an opioid antagonist
24 pursuant to a written protocol and standing order.

25 **§ 16107. Training Required for Dispensation or Distribution of Opioid**
26 **Antagonist.**

1 (a) An employee or volunteer of a community-based organization
2 shall not dispense or distribute an opioid antagonist under this
3 section unless he or she completes training conducted by the
4 Department of Public Health and Social Services or Guam
5 Behavioral Health and Wellness Center.

6 (b) The training required by this subsection shall include:

7 (1) How to screen a patient for being at risk of an opioid-related
8 overdose;

9 (2) How opioid antagonists operate to stop an opioid-related
10 overdose;

11 (3) When the administration of an opioid antagonist is medically
12 indicated;

13 (4) How to properly administer an opioid antagonists and
14 circumstances under which administration of an opioid
15 antagonists is contraindicated; and

16 (5) Precautions, warnings, and potential adverse reactions related
17 to the administration of an opioid antagonist.

18 (c) Upon prescribing, dispensing, or disturbing an opioid antagonist,
19 the health care professional or employee or volunteer of a
20 community-based organization shall provide education and
21 training to the recipient of an opioid antagonist. The education
22 and training shall include:

23 (1) how to identify an opioid-related overdose;

24 (2) how to properly administer the prescribed opioid antagonist
25 and circumstances under which administration is
26 contraindicated;

- 1 (3) precautions, warnings, and potential adverse reactions related
2 to administration of the prescribed opioid antagonist;
3 (4) how opioid antagonists operate to stop an opioid-related
4 overdose;
5 (5) the importance of seeking medical care for the person
6 experiencing the opioid-related overdose immediately after
7 the opioid antagonists is administered; and
8 (6) information on how to access substance abuse treatment
9 services.

10 **§ 16108. Immunity from Civil or Criminal Liability.**

- 11 (a) A health care professional or an employee or a volunteer of a
12 community-based organization who prescribes, dispenses, or
13 distributes an opioid antagonist in according with this section
14 shall be immune from civil or criminal liability for the subsequent
15 use of the opioid antagonist, unless the health care professional's
16 actions or the actions of the employee or volunteer of a
17 community-based organization with regarding the prescribing,
18 dispensing, or distributing the opioid antagonist constitute
19 recklessness, gross negligence, or intentional misconduct.
20 (b) The immunity granted pursuant to paragraph (1) of this
21 subsection shall apply whether or not the opioid antagonist is
22 administered by or to the person for whom it was prescribed,
23 dispensed, or distributed.
24 (c) Nothing in this section shall be construed to require a health care
25 professional to prescribe, dispense, or distribute an opioid
26 antagonist to a person at risk of experiencing an opioid related
27 overdose or a family member, or friend, or other person in a

1 position to assist a person at risk of experiencing an opioid related
2 overdose, or an employee or volunteer of a community-based
3 organization.

4 (d) A health care professional that does not prescribe, dispense, or
5 distribute an opioid antagonist based upon his or her professional
6 judgement shall be immune from civil or criminal liability, unless
7 the health care professional's decision not to prescribe, dispense,
8 or distribute an opioid antagonist constitutes recklessness, gross
9 negligence, or intentional misconduct.

10 (e) Nothing in this section shall be construed to expand the scope of
11 practice of a health care professional

12 **§16109. Furnishing Naloxone or other opioid antagonist to law**
13 **enforcement agency, conditions, records.** Notwithstanding any other law, a
14 pharmacy, wholesaler, or manufacturer may furnish naloxone or other opioid
15 antagonists to a law enforcement agency if both of the following are met:

16 (a) The naloxone or other opioid antagonist is furnished exclusively
17 for use by employees of the law enforcement agency who have
18 completed training in administering naloxone or other opioid
19 antagonists.

20 (b) Records regarding the acquisition and disposition of naloxone or
21 other opioid antagonists furnished pursuant to this section shall
22 be maintained by the law enforcement agency for a period of three
23 years from the date the records were created. The law
24 enforcement agency shall be responsible for monitoring the
25 supply of naloxone or other opioid antagonists and ensuring the
26 destruction of expired naloxone or other opioid antagonists.

1 **§ 16110. Severability.** The provisions outlined in this Act are declared to be
2 separate and severable. The invalidity of any clause, sentence, paragraph,
3 subdivision, section or portion of this statute, or the invalidity of the application
4 thereof to any person or circumstance shall not affect the validity of the remainder
5 of this statute or the validity of its application to other persons or circumstances.”
6 **Section 2. Effective Date.** This Act shall be effective upon enactment.