

# SENATE, No. 3491

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 4, 2021

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Permits any person to administer or dispense opioid antidotes.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/9/2021)

1 AN ACT concerning opioid antidotes and supplementing Title 24 of  
2 the Revised Statutes and repealing P.L.2013, c.46 (C.24:6J-1 et  
3 seq.).

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 section:

9 a. "Opioid antidote" means any drug, regardless of dosage  
10 amount or method of administration, which has been approved by  
11 the 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 b. (1) Within 90 days of the effective date of this act, any  
23 person in this State may dispense an opioid antidote to a person  
24 who is located in this State.

25 (2) Any person in this State may administer an opioid antidote  
26 to a recipient who is located in this State if the person believes, in  
27 good faith, that the recipient is experiencing an opioid overdose.

28 (3) Within 90 days of the effective date of this act, the  
29 Department of Health shall publish on its Internet website  
30 guidelines for the dispensation of opioid antidotes that are  
31 dispensed pursuant to the provisions of this section.

32 c. Any person who administers or dispenses an opioid antidote  
33 in good faith, and in accordance with the provisions of this section,  
34 shall not, as a result of the person's acts or omissions, be subject to  
35 any criminal or civil liability or any professional disciplinary action  
36 under Title 45 of the Revised Statutes for such administering or  
37 dispensing.

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39 2. P.L.2013, c.46 (C.24:6J-1 et seq.) is repealed.

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41 3. This act shall take effect immediately.

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44 **STATEMENT**

45  
46 This bill permits any person to administer or dispense opioid  
47 antidotes.

1 Under the bill, any person in this State may dispense an opioid  
2 antidote to a person who is located in this State. Further, any  
3 person in this State may administer an opioid antidote to a recipient  
4 who is located in this State if the person believes, in good faith, that  
5 the recipient is experiencing an opioid overdose. The bill also  
6 provides immunity from criminal, civil, and professional liability  
7 both to any person who administers or dispenses an opioid antidote  
8 in good faith, and in accordance with the provisions of the bill.

9 This bill repeals the "Overdose Prevention Act," P.L.2013, c.46  
10 (C.24:6J-1 et seq.) in order to facilitate the dispensation of opioid  
11 antidotes without government regulation.

12 The bill defines "opioid antidote" to mean any drug, regardless  
13 of dosage amount or method of administration, which has been  
14 approved by the United States Food and Drug Administration  
15 (FDA) for the treatment of an opioid overdose. "Opioid antidote"  
16 includes, but is not limited to, naloxone hydrochloride, in any  
17 dosage amount, which is administered through nasal spray or any  
18 other FDA-approved means or methods. "Opioid overdose" means  
19 an acute condition including, but not limited to, extreme physical  
20 illness, decreased level of consciousness, respiratory depression,  
21 coma, or death resulting from the consumption or use of an opioid  
22 drug or another substance with which an opioid drug was combined,  
23 and that a layperson would reasonably believe to require medical  
24 assistance.