



2023 South Dakota Legislature

House Bill 1162

Introduced by: **Representative Mulder**

1 **An Act to authorize employers to acquire and make available opioid antagonists.**

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

3 **Section 1. That chapter 34-20A be amended with a NEW SECTION:**

4 A licensed health care professional may, directly or by standing order, dispense or
 5 distribute an opioid antagonist to an employer.

6 An employer may acquire and make available on the employer's premises an opioid
 7 antagonist that is dispensed or distributed by a licensed health care professional, in
 8 accordance with this section, if the employer:

9 (1) Develops a protocol for the transport, storage, maintenance, and location of the
 10 opioid antagonist;

11 (2) Provides training and instruction, developed by the Department of Health and made
 12 available on the Department of Health website, to employees or personnel
 13 authorized to administer an opioid antagonist on the employer's premises; and

14 (3) Prominently posts instructions on the administration of an opioid antagonist and
 15 post-administration protocol, if the employer makes it accessible to the public.

16 An employer, employee, or other authorized personnel of an employer may not be
 17 held liable for any death, injury, or damage that arises out of the administration of, the
 18 self-administration of, or the failure to administer an opioid antagonist, if such action or
 19 inaction constitutes ordinary negligence.

20 **Section 2. That § 34-20A-106 be AMENDED:**

21 **34-20A-106.** A health care professional who is authorized to prescribe or dispense
 22 an opioid antagonist is not subject to any disciplinary action or civil or criminal liability for
 23 the prescribing or dispensing of an opioid antagonist to an employer or a person whom
 24 the health care professional reasonably believes may be in a position to assist or
 25 administer the opioid antagonist to a person at risk for an opioid-related drug overdose.