



2023 South Dakota Legislature
House Bill 1162
ENROLLED

AN ACT

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

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

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

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

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

- (1) Develops a protocol for the transport, storage, maintenance, and location of the opioid antagonist;
- (2) Provides training and instruction, developed by the Department of Health and made available on the Department of Health website, to employees or personnel authorized to administer an opioid antagonist on the employer's premises; and
- (3) Prominently posts instructions on the administration of an opioid antagonist and post-administration protocol, if the employer makes it accessible to the public.

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

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

34-20A-106. A health care professional who is authorized to prescribe or dispense an opioid antagonist is not subject to any disciplinary action or civil or criminal liability for the prescribing or dispensing of an opioid antagonist to an employer or a person whom

the health care professional reasonably believes may be in a position to assist or administer the opioid antagonist to a person at risk for an opioid-related drug overdose.

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

I certify that the attached Act originated in
the:
House as Bill No. 1162

Received at this Executive Office
this ____ day of _____,
2023 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2023

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1162
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State