



## 2025 South Dakota Legislature

# House Bill 1141

Introduced by: **Representative** Rehfeldt

1 **An Act to provide an exception for employers to acquire and distribute opioid**  
 2 **antagonists that are available over the counter.**

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

4 **Section 1. That § 34-20A-105.1 be AMENDED:**

5 **34-20A-105.1.** A licensed health care professional may, directly or by standing  
 6 order, dispense or distribute an opioid antagonist that requires a prescription to an  
 7 employer.

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

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

18 The requirements of this section do not apply to an opioid antagonist that is  
 19 available over the counter. An employer may acquire and distribute an opioid antagonist  
 20 that is available over the counter to any person.

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