



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Debunking erroneous liability concerns about naloxone use

Dear First Responder:

Our Commonwealth and our nation are now experiencing fatal overdoses at a rate never seen before in history. Six months ago, Act 139 became effective making it legal for potential first responders to obtain and administer the overdose antidote, naloxone, to individuals who present symptoms of opioid overdose. In a short time, police officers have reversed over 100 overdoses across the state, providing Pennsylvania's most vulnerable citizens another chance to enter treatment and end the vicious cycle of addiction. Naloxone is now available to police for free.

While the Pennsylvania Departments of Health and Drug and Alcohol Programs, the PA Chiefs of Police Association, and others have disseminated information about Act 139, not every agency may yet be fully aware of how the new law protects its personnel from criminal and civil liability. We understand that there currently exist some critical misconceptions regarding potential liability that may cause some agencies to not carry this life-saving antidote. So, I'm writing to give you the exact language in Act 139, language that protects first responders so they can save lives with naloxone, unhindered by unjustified concerns about liability.

- (f) (1) A person, law enforcement agency, fire department or fire company under subsection (b)(2) or (c) who, acting in good faith and with reasonable care, administers naloxone to another person whom the person believes to be suffering an opioid-related drug overdose:**
- (i) Shall be immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.**
 - (ii) Shall not be subject to professional review for such act.**
 - (iii) Shall not be liable for any civil damages for acts or omissions resulting from such act.**
- (2) Receipt of training and instructional materials that meet the criteria of subsection (a) and the prompt seeking of additional medical assistance shall create a rebuttable presumption that the person acted with reasonable care in administering naloxone.**

35 P.S. §§ 780-113.8 (f)(1) -780.113.8 (f)(2). This statutory language evidences that the creators of this statute have considered and provided for *your* protection. In addition, it is helpful to know that according to the Network for Public Health Law, there are no instances of a person being sued for administering naloxone where they acted according to law and protocol.

We realize that this is new legislation and we are seeking to clear up misconceptions about what exactly is required for your agency to begin deploying naloxone. We ask that you please take the time to review the actual facts at the following websites and recognize that naloxone is another tool that you can use to carry out your duty to protect and serve your community.

www.ddap.pa.gov Click RED "Save a Life" banner <https://www.bjatrainning.org/tools/naloxone/Naloxone%2BBackground>

We know that you take seriously your duty to protect and serve and also ask that you take the time to review the following news clip, which illustrates the power of the naloxone tool to make it possible for you to save and change someone's life.

<https://www.youtube.com/watch?v=8-y7LporzhY>

Sincerely,

Gary Tennis, Secretary