

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: NALOXONE (NARCAN) POLICY

DATE: November 18, 2024

☒ RECOMMENDATION

☐ POLICY DISCUSSION

BUDGET INFORMATION:

☐ STATUS REPORT

ANNUAL- \$ 1600.00 (approx.)

☐ OTHER

CAPITAL-

PRESENTED BY: Jeff Adams

COMMISSION ACTION REQUESTED ON: November 18, 2024

PURPOSE: To be in compliance with Senate Bill 395 requiring a policy to be drafted and enforced for all local government entities concerning the administration of an opioid antagonist for the prevention of a drug overdose.

BACKGROUND / HISTORY: A bill was signed by Governor Kemp to address opioid-related overdoses by allowing local governments to be trained to administer Naloxone (NARCAN).

[Senate Bill 395](#), which received unanimous support in the Georgia Senate, combines language from three other measures making naloxone, the opioid-reversal drug, more readily available in schools, on college campuses and in government buildings. This bill was authored by Senator Dixon and is more commonly known as Wesley's law. Narcan is to assist in reducing the number of opioid related drug overdoses and is relatively easy to administer.

FACTS AND ISSUES: The law requires a policy be established to identify the minimum stock of opioid antagonist, who is responsible for maintaining the supply, which buildings will provide a supply of opioid antagonist, exactly where in these buildings will the opioid antagonist be kept and the positions that will be trained to administer the opioid antagonist.

OPTIONS:

- 1) Approve recommendation
 - 2) Deny recommendation
 - 3) Commission defined alternative
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RECOMMENDED SAMPLE MOTION: "I make a motion to approve the NARCAN policy, as presented."

DEPARTMENT: Human Resources

Prepared by: Ann Cain

Director: __Ann Cain

ADMINISTRATIVE

COMMENTS: _____

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_____ **DATE:** _____

County Manager



NALOXONE (NARCAN) POLICY

PURPOSE

To establish guidelines and regulations governing the utilization of Naloxone (Narcan) administered by trained members of Habersham County. The objective of administering Naloxone (Narcan) is to render first aid and sustain life.

POLICY

It is the policy of Habersham County that several employees are trained in the use of Intranasal Naloxone (Narcan) through the American Red Cross. Additional training resources are approved by the Georgia Department of Health and provided at <https://dph.georgia.gov/naloxone> or <https://opioidresponse.info/>.

LOCATION

The Naloxone (Narcan) Kits are located:

Habersham County Courthouse – Front Desk – Sheriff Deputies trained

Elections Office – Front Cabinet in the main office; Elections Official trained

Recreation Department – Aquatics Center (Center Desk), Ballfield Concession stands (when in use), Front Desk at gymnastics facility; Park Assistants, Gymnastic Coach, Fitness Center Coordinator trained

Habersham County Administrative Office - 3rd FL – HR Office; 2nd FL-Reception Desk; 1st FL- P & D Office; HR Team Trained; P& D personnel trained

Senior Center – Directors Office and Wellness Class Room Cabinet; Two staff members trained

Animal Control – Road ACO's in vehicles; Office- Lock Box; Trained personnel – ACO's and Admin staff

Airport – Behind the desk next to the printer – All employees trained

Landfill – Scalehouse and Supervisors Office – Management Team trained

DEFINITIONS

1. Naloxone HCl – Marketed as Narcan, this is an intranasal medication that can be used to reverse the effects of an opioid drug overdose.
2. Narcan Kit – A kit containing two Narcan mucosal atomizers.

3. Opioids – A class of drugs that include, but not limited to, heroin, morphine, oxycodone, methadone, hydrocodone and codeine.
4. Opiates – Naturally derived from the poppy plant, such as heroin and opium.
5. EMS – Emergency Medical Services that provide pre-hospital emergency medical care: such practitioners provide out of hospital care for those with an illness or injury.
6. Opioid Overdose – An acute condition including but not limited to extreme physical illness, decrease level of consciousness, respiratory depression coma, or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.
7. IN - Refers to the intranasal (IN) administration of Naloxone (Narcan)

PROCEDURES

1. Ensure EMS has been contacted.
2. Maintain standard blood and body fluid precautions and use personal protective equipment.
3. Check patient/victim for responsiveness.
4. Administer Naloxone (Narcan) as necessary per directions on the box.
5. Monitor the person's response.
6. Administer an additional dose if needed.
7. Place the person in the recovery position (on their right side).

Habersham County shall maintain a supply of at least 3 doses Narcan which will be accessible during County operating hours.

Georgia law provides that any trained individual shall be immune from civil liability or professional discipline for any good faith act or omission to act in the emergency administration of an opioid antagonist to a person believed to be having an opioid related overdose, although good faith will not include willful misconduct, gross negligence, or recklessness.

SB 395 (2024)

A Review of County Requirements
for Opioid Antagonists

Staff Contact: Blake Travis
Assistant General Counsel | btravis@accg.org

SB 395 (2024) – A Brief Summary and FAQ:

In the 2024 Georgia Legislative Session, the General Assembly passed Senate Bill 395. This law requires counties to provide a supply of opioid antagonists in courthouses and other buildings in which the local governing authority regularly meets. It also requires each government entity to establish and implement an internal training and implementation policy for the administration of opioid antagonists.

Lastly, any government official, employee, or agent who receives such training and acts in good faith or fails to act in administering the opioid antagonist will not be civilly liable. Furthermore, no government entity will be civilly liable for failure to provide an automated external defibrillator (AED) or opioid antagonist.

For more information regarding SB 395, please find the [bulletin](#) produced by the Department of Public Health, as well as the following responses to frequently asked questions.

Please note: ACCG offers this document as our general understanding of SB 395 (2024) as it relates to county governments. The information provided herein does not establish an attorney client relationship and should not be interpreted or used as a substitute for a legal opinion or advice from the county attorney or other qualified counsel. Before making legal decisions or relying on information contained within this document, county officials and employees should consult with the county attorney or other qualified counsel.

FAQ:**1. At a minimum, what does SB 395 (2024) require?**

Answer: At minimum, each local government must stock three unit doses of an opioid antagonist in each 'qualified government building' and courthouse and establish and implement an internal training and implementation policy related to the location and use of such opioid antagonists.

2. Who is responsible for maintaining the supply of opioid antagonist?

Answer: Local governments are responsible for funding and maintaining a supply of opioid antagonist in courthouses and local qualified government buildings. The State of Georgia is responsible for maintaining a supply of opioid antagonist in state qualified government buildings.

Furthermore, while the law does not specify which government employee is responsible for managing the supply and administration of opioid antagonist, it is advisable that each county appoint a staff member to lead this effort.

3. In which buildings are local governments required to provide a supply of opioid antagonist?

Answer: Local governments must provide a supply of opioid antagonists in courthouses and in ‘qualified government buildings.’ Local governments are responsible for supplying opioid antagonists for buildings housing courts which are under the local government’s jurisdiction.

‘Qualified government buildings’ are limited to those buildings in which the local governing authority regularly meets, provided that such building also houses an automated external defibrillator. Accordingly, libraries, county-owned parks, recreation centers, and other county-owned buildings are not required to house a supply of opioid antagonist under SB 395, unless the local governing authority regularly meets within such buildings, and the buildings house an AED.

4. What are the specific areas inside of the building where the opioid antagonist must be kept?

Answer: This law does not specify the exact location within the qualified government building where a supply of opioid antagonist must be placed. However, the law does specify that local governments must ensure that such supply of opioid antagonists is available and accessible during regular business hours and outside of regular business hours for all government entity events. It seems appropriate to place the supply of opioid antagonist in an area that is publicly accessible. For instance, rather than keeping the supply in a maintenance closet, the opioid antagonist may be better placed in the lobby near the automatic external defibrillator.

5. How much supply of opioid antagonist is required?

Answer: The law requires that local governments supply at least three unit doses of opioid antagonist. It seems appropriate to appoint a county staff member to regularly monitor the supply of opioid antagonist to ensure that the proper number of unit doses are readily available and unexpired.

6. How will the costs of compliance be funded?

Answer: The local governments are expected to cover the costs. Counties are authorized “to receive and administer grants, gifts, contracts, moneys, and donations” in order to cover the cost of supplying opioid antagonist or providing training in the administration of opioid antagonist.

7. What information needs to be included in a county's required internal training policy for the administration of opioid antagonists?

Answer: Each county's internal training and implementation policy must contain at least the following four elements:

- a) Details on how an individual can access the training for opioid antagonist administration.
- b) The location(s) of the county's supply of opioid antagonist.
- c) An affirmative statement that authorizes any trained individual to administer the opioid antagonist to anyone they believe to be facing an opioid overdose.
- d) Contain the following statement: "Georgia law provides that any trained individual shall be immune from civil liability or professional discipline for any good faith act or omission to act in the emergency administration of an opioid antagonist to a person believed to be having an opioid related overdose."

8. Which county staff members are required to be trained to administer opioid antagonist?

Answer: This law does not specify which county employees must receive training. However, it is advisable that any trained staff member(s) are employees who have regular and frequent office hours in the building in which the local governing authority regularly meets.

9. Who is required to train these staff members?

Answer: The law states that no "one employee, officer, agent, contractor, or other individual" will be solely responsible for training any government entity. Instead, counties must establish and implement an internal training and implementation policy for opioid antagonist administration.

Nonetheless, it seems appropriate to collaborate with your local county board of health to lead training efforts to ensure that county employees are prepared to adequately administer opioid antagonist.

10. What is the actual training process for these county employees?

Answer: The Georgia Department of Public Health has created a training video that can be used by local governments for training. The training video can be found at the following link: [Naloxone | Georgia Department of Public Health](#). For additional training resources, counties can coordinate with their local public health districts' Opioid and Substance Misuse offices.

11. Is it required that a specific individual be designated as responsible for administering aid within a building in case of an event?

Answer: No, SB 395 does not require a specific person to be responsible for administering the Narcan/Naloxone. Instead, it seems that the intent of the bill is to have many staff members in the building who are 'trained individuals.'

12. Does the county or its staff face liability for administering opioid antagonists per SB 395?

Answer: SB 395 provides that any person receiving training "shall be immune from civil liability or professional discipline for any good faith act or omission to act related to the emergency administration of an opioid antagonist."

Senate Bill 395

By: Senators Dixon of the 45th, Watson of the 11th, Walker III of the 20th, Strickland of the 17th and Halpern of the 39th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 16, 20, 26, and 31 of the Official Code of Georgia Annotated, relating to
2 crimes and offenses; education; food, drugs, and cosmetics; and health, respectively, so as
3 to address opioid antagonists; to expand the exemption of naloxone from the definition of a
4 dangerous drug to include any opioid antagonist when used for drug overdose prevention;
5 to authorize the possession of opioid antagonists in schools; to provide a short title; to
6 authorize schools to maintain a stock supply of opioid antagonists; to authorize trained
7 school personnel to administer opioid antagonists and carry opioid antagonists on their
8 person; to provide for immunity; to provide for activation of the emergency medical services
9 system and notification of emergency contacts; to provide for educational resources,
10 guidelines, policy, training, and immunity relative to opioid antagonists; to revise language
11 relating to the prohibition on selling drugs through vending machines; to provide that
12 practitioners may dispense and supply opioid antagonists to certain individuals and entities;
13 to repeal the requirement that an opioid antagonist must have a prescription in order for a
14 individual who administers it to have civil, criminal, and professional immunity; to provide
15 immunity for harm reduction organizations that supply opioid antagonists to certain
16 individuals; to require that certain buildings maintain and make accessible opioid
17 antagonists; to provide for definitions; to provide for related matters; to repeal conflicting
18 laws; and for other purposes.

S. B. 395

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Article 3 of Chapter 13, relating to dangerous drugs, by adding a new paragraph to subsection (c) of Code Section 16-13-71, relating to the definition of a dangerous drug, to read as follows:

"(16.92) Any opioid antagonist, as defined in Code Section 26-4-116.2, shall also be exempt from subsections (a) and (b) of this Code section when used for drug overdose prevention and when supplied by a dispenser or an authorized wholesale distributor."

SECTION 2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 3 of Article 16 of Chapter 2, relating to student health in elementary and secondary education, by adding a new Code section to read as follows:

"20-2-776.5.

(a) This Code section shall be known and may be cited as 'Wesley's Law.'

(b) As used in this Code section, the term 'opioid antagonist' means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone, hydrochloride, or any other similarly acting drug that is approved by the federal Food and Drug Administration for the treatment of an opioid related overdose.

(c) No visitor or school personnel shall be prohibited from possessing an opioid antagonist on school property or at a school sponsored activity.

(d) All local school systems or public schools, including charter schools, shall acquire and maintain a supply of opioid antagonists in any secure location where an individual may have an opioid overdose; provided, however, that, if there occurs a shortage of opioid

antagonists, the local school systems or public schools, including charter schools, shall make a reasonable effort to maintain a supply of opioid antagonists. Any such supply shall be maintained in accordance with the manufacturer's instructions.

(e) Any school personnel may administer an opioid antagonist to any person who the school personnel believes in good faith to be experiencing an opioid overdose:

(1) While in school;

(2) While at a school sponsored activity;

(3) While under the supervision of school personnel; or

(4) Before or after normal school activities, such as while in a before-school or after-school program on school operated property.

(f) School personnel shall be authorized to carry an opioid antagonist on his or her person while in school, at a school sponsored activity, or on school operated property.

(g) Upon the administration of any opioid antagonist pursuant to this Code section, the local school system or public school, including charter schools, shall immediately activate the emergency medical services system and notify the student's parent, guardian, or emergency contact or notify such other individual's emergency contact, if known

(h) Any school personnel who in good faith administers or chooses not to administer an opioid antagonist pursuant to this Code section shall be immune from civil liability or professional discipline for any act or omission related to the administration of an opioid antagonist, except that such immunity shall not apply to an act or omission of willful or wanton misconduct, recklessness, or gross negligence.

(i) A local school system or public school, including a charter school, shall be immune from civil liability for an act or omission related to the implementation of the provisions of this Code section, except that such immunity shall not apply to an act or omission of willful or wanton misconduct, recklessness, or gross negligence."

SECTION 3.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended in Chapter 4, relating to pharmacists and pharmacies, by revising Code Section 26-4-89, relating to prohibition of selling drugs in vending machines, remote automated medication system excluded, as follows:

"26-4-89.

(a) Any person who shall sell or dispense prescription drugs by the use of vending machines shall be guilty of a misdemeanor.

(b) A remote automated medication system shall not be considered a vending machine for purposes of this Code section."

SECTION 4.

Said title is further amended in said chapter by revising subsections (b), (d), and (e) of Code Section 26-4-116.2, relating to authorization of licensed health practitioners to prescribe opioid antagonists, pharmacists authorized to fill prescriptions, and immunity from liability, as follows:

"(b) A practitioner acting in good faith and in compliance with the standard of care applicable to that practitioner may prescribe and dispense an opioid antagonist for use in accordance with a protocol specified by such practitioner, and may supply opioid antagonists to a person at risk of experiencing an opioid related overdose or to a pain management clinic, first responder, harm reduction organization, family member, friend, or other person in a position to assist a person at risk of experiencing an opioid related overdose."

"(d) A person acting in good faith and with reasonable care to another person whom he or she believes to be experiencing an opioid related overdose may administer or supply an opioid antagonist ~~that was prescribed pursuant to subsection (b) of this Code section in~~

94 ~~accordance with the protocol specified by the practitioner or pursuant to Code Section~~
95 ~~31-1-10.~~

96 (e) The following ~~individuals~~ persons shall be immune from any civil liability, criminal
97 responsibility, or professional licensing sanctions for the following actions authorized by
98 this Code section:

99 (1) Any practitioner acting in good faith and in compliance with the standard of care
100 applicable to that practitioner who prescribes an opioid antagonist pursuant to
101 subsection (b) of this Code section;

102 (2) Any practitioner or pharmacist acting in good faith and in compliance with the
103 standard of care applicable to that practitioner or pharmacist who dispenses or supplies
104 an opioid antagonist pursuant to a prescription issued in accordance with subsection (b)
105 of this Code section;

106 (3) The state health officer acting in good faith and as provided in Code Section 31-1-10;
107 ~~and~~

108 (4) Any person acting in good faith, other than a practitioner, who administers or
109 supplies an opioid antagonist pursuant to subsection (d) of this Code section; and

110 (5) Any harm reduction organization acting in good faith and within its scope of services
111 that supplies an opioid antagonist to individuals at risk of experiencing an opioid related
112 overdose."

113 SECTION 5.

114 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Article 1
115 of Chapter 2A, relating to general provisions for the Department of Public Health, by adding
116 a new Code section to read as follows:

117 "31-2A-20.

118 (a) As used in this Code section, the term:

(1) 'Automated external defibrillator' shall have the same meaning as set forth in Code Section 31-11-53.1.

(2) 'Courthouse' means a building occupied by judicial courts and containing rooms in which judicial proceedings are held, provided that such building contains an automated external defibrillator.

(3) 'Government entity' means any state board, commission, agency, or department, or the governing authority of any county, municipality, or consolidated government, but such term shall not include local school systems, public schools, charter schools, or university buildings.

(4) 'Opioid antagonist' shall have the same meaning as set forth in Code Section 26-4-116.2.

(5) 'Opioid related overdose' shall have the same meaning as set forth in Code Section 26-4-116.2.

(6) 'Qualified government building' means a building in which a government entity is housed or meets in its official capacity, including the portion occupied by a government entity of any building that is not publicly owned, provided that such building contains an automated external defibrillator.

(7) 'University building' means any building which forms a part of the University System of Georgia, including any college or university under the government, control, and management of the Board of Regents of the University System of Georgia, or any building under the control of the State Board of the Technical College System of Georgia.

(b) The department shall consult with the Department of Behavioral Health and Developmental Disabilities and may consult with any other medical, clinical, or peer support professionals or organizations it deems appropriate to identify and develop educational resources and guidelines on opioid related overdoses. The department shall develop a model training and implementation policy for opioid antagonist administration. All such educational resources and guidelines and the model training and implementation

policy shall be maintained in a prominent manner on the department's principal public website.

(c) All qualified government buildings and courthouses shall:

(1) Maintain a supply of at least three unit doses of opioid antagonists; and

(2) Ensure that such supply of opioid antagonists is available and accessible during regular business hours and outside of regular business hours for all government entity events.

(d) A government entity may make opioid antagonists accessible during government entity events that occur on property that is not publicly owned.

(e) No one employee, officer, agent, contractor, or other individual shall be solely responsible for providing training pursuant to subsection (f) of this Code section for any government entity.

(f)(1) Every government entity that is based in or operates out of a qualified government building shall establish and implement an internal training and implementation policy for opioid antagonist administration. Such policy may be based on the model training and implementation policy developed by the department pursuant to subsection (b) of this Code section. Each such government entity shall be authorized to receive and administer grants, gifts, contracts, moneys, and donations for the purpose of implementing this Code section.

(2) Each internal training and implementation policy provided for in paragraph (1) of this subsection shall:

(A) Provide details about how an individual can access opioid antagonist administration training;

(B) Specify the location or locations of the government entity's supply of opioid antagonists;

171 (C) Contain an affirmative statement that any trained individual may administer an
172 opioid antagonist to any person whom the trained individual believes in good faith to
173 be experiencing an opioid related overdose; and

174 (D) Contain the following statement: 'Georgia law provides that any trained individual
175 shall be immune from civil liability or professional discipline for any good faith act or
176 omission to act in the emergency administration of an opioid antagonist to a person
177 believed to be having an opioid related overdose.'

178 (g) All employees, officers, agents, and contractors of government entities and all other
179 individuals who receive training pursuant to subsection (f) of this Code section shall be
180 immune from civil liability or professional discipline for any good faith act or omission to
181 act related to the emergency administration of an opioid antagonist pursuant to this Code
182 section. Good faith shall not include willful misconduct, gross negligence, or recklessness.

183 (h) Notwithstanding any law to the contrary, funds appropriated or otherwise made
184 available to a government entity may be used to comply with the requirements of this Code
185 section by such government entity.

186 (i) A government entity shall not be subject to civil liability for damages for any failure
187 to provide an automated external defibrillator or opioid antagonist pursuant to this Code
188 section."

189 **SECTION 6.**

190 All laws and parts of laws in conflict with this Act are repealed.