

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Regular Session, 2023

H. B. 23- 25

A BILL FOR AN ACT

To amend certain provisions of the CNMI Good Samaritan Act [7 CMC § 2801 *et seq.*]; and for other purposes.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that the opioid
2 overdose epidemic continues to grow in the United States. According the Centers
3 for Disease Control and Prevention, more than 750,000 people have died since 1999
4 from a drug overdose. Two out of three drug overdose deaths in 2018 involved an
5 opioid. Opioids are substances that work in the nervous system of the body or in
6 specific receptors in the brain to reduce the intensity of pain. Overdose deaths
7 involving opioids, including prescription opioids, heroin, and synthetic opioids
8 (like fentanyl), have increased almost six times since 1999. Overdoses involving
9 opioids killed nearly 47,000 people in 2018, and 32% of those deaths involved
10 prescription opioids.

11 Many of these negative outcomes are preventable. Opioid overdose is
12 reversible through the timely administration of an opioid overdose reversal

1 medication including naloxone and, where needed, the provision of other
2 emergency care. However, community access to opioid overdose reversal
3 medication including naloxone is limited by laws and regulations that pre-date the
4 overdose epidemic. At the urging of organizations including the U.S. Conference
5 of Mayors, the American Medical Association, the American Public Health
6 Association, and the National Association of Boards of Pharmacy, all states have
7 removed some legal barriers to the seeking of emergency medical care and the
8 timely administration of naloxone. These changes come in two general varieties.
9 The first improves the availability of naloxone, typically by permitting it to be
10 prescribed to people other than the person at risk of overdose or otherwise removing
11 the need for a person to see a prescriber before obtaining the medication. The
12 second encourages bystanders to become “Good Samaritans” by summoning
13 emergency responders without fear of arrest or other negative legal consequences.

14 In an attempt to reverse the unprecedented increase in preventable overdose
15 deaths, most states have also modified criminal law to provide limited immunity to
16 individuals who seek help in an overdose emergency. The Legislature intends to
17 encourage family members, friends, bystanders and first responders including
18 emergency service employees, firefighters, police officers or other law enforcement
19 officers, EMT, Advanced EMT, and paramedics to administer opioid overdose
20 reversal medication to drug overdose victims through the establishment of limited

1 immunity from civil liability for those that administer such medication during an
2 emergency situation.

3 **Section 2. Amendment.** 7 CMC § 2801 is hereby amended to read as
4 follows:

5 **“§ 2801. Definitions.**

6 (a) When used in this chapter, the terms EMT, Advanced EMT, and
7 paramedic are to be interpreted as those terms are defined by the Federal
8 Department of Transportation in regard to national standard criteria for such
9 positions.

10 (b) When used in this chapter, the term “nurse” means a registered nurse
11 (RN), as the term registered nurse is defined in the CNMI Nurse Practice Act [3
12 CMC §§ 2301 et seq.], as that act may be amended after the effective date of this
13 chapter in relation to the definition of a registered nurse.

14 (c) When used in this chapter, the term “physician” or the term “surgeon”
15 means a medical doctor (MD) or a doctor of osteopathy (DO) that is U.S. licensed
16 in such capacity.

17 (d) When used in this chapter, the term “gross negligence” shall mean the
18 performing or failing to perform a manifest duty in reckless disregard of the
19 consequences as affecting the life or property of another.

20 (e) A person is considered to act in “good faith”, when that term is used in
21 this chapter, unless they act or fail to act with regard to a manifest duty, with malice,

1 or, with wanton or willful disregard of the consequences as affecting the life or
2 property of another.

3 (f) When used in this chapter, the term "opioid overdose reversal
4 medication" shall mean any drug used to reverse an opioid overdose that binds to
5 opioid receptors and blocks or inhibits the effects of opioids acting on those
6 receptors. It does not include intentional administration via the intravenous route.

7 (g) When used in this chapter, the term "opioid-related overdose" means a
8 condition including, but not limited to, decreased level of consciousness, non-
9 responsiveness, respiratory depression, coma, or death that: (i) Results from the
10 consumption or use of an opioid or another substance with which an opioid was
11 combined; or (ii) a lay person would reasonably believe to be an opioid-related
12 overdose requiring medical assistance.

13 **Section 3. Amendment.** 7 CMC § 2803 is hereby amended to read as
14 follows:

15 **"§ 2803. Statutory Liability Limitations: Persons Rendering**
16 **Emergency Care at Emergency Scene for No Compensation.**

17 Any person who renders emergency care including the administration of an
18 opioid overdose reversal medication, not for compensation, at the scene of an
19 emergency shall only be liable in civil damages resulting from acts or omissions
20 performed in a grossly negligent manner or acts or omissions not performed in good
21 faith. The scene of an emergency shall not include emergency departments and

1 other places where medical care is usually offered. For the purposes of this section,
2 “not for compensation” includes, but is not limited to, any physician, nurse, EMT
3 of any level, firefighter, or any law enforcement officer, or any person who is
4 employed or is a volunteer in law enforcement, firefighting, or the health care
5 profession, who at the time of rendering emergency care under this section is off-
6 duty from such employment or volunteer work.”

7 **Section 4. Amendment.** 7 CMC § 2805 is hereby amended to read as
8 follows:

9 **“§ 2805. Statutory Liability Limitations: Firefighters, Law**
10 **Enforcement Officers, Emergency Medical Technicians; Employing Agencies.**

11 In order to encourage the provision of emergency medical services by
12 firefighters, police officers or other law enforcement officers, EMT, Advanced
13 EMT, and paramedics, a firefighter, police officer or other law enforcement officer,
14 EMT, Advanced EMT, or paramedic who renders emergency medical services
15 including the administration of an opioid overdose reversal medication at the scene
16 of an emergency shall only be liable in civil damages for acts or omissions
17 performed in a grossly negligent manner or acts or omissions not performed in good
18 faith. A public agency employing such a firefighter, police officer or other law
19 enforcement officer, EMT, Advanced EMT, or paramedic shall not be liable for
20 civil damages if the fire firefighter, police officer or other law enforcement officer,
21 EMT, Advanced EMT, or paramedic is not liable.”

1 **Section 5. Amendment.** 7 CMC § 2806 is hereby amended to read as
2 follows:

3 **“§ 2806. Statutory Liability Limitations: Emergency Services; Public**
4 **Entities and Emergency Rescue Personnel.**

5 Neither a public entity nor emergency rescue personnel shall be liable for
6 any injury caused by an action taken by the emergency rescue personnel acting
7 within the scope of their employment to provide emergency services including the
8 administration of an opioid overdose reversal medication, unless the action taken
9 was performed in a bad faith or in a grossly negligent manner.

10 (a) For purposes of this section, it shall be presumed that the action taken
11 when providing emergency services was performed in good faith and without gross
12 negligence. This presumption shall be one affecting the burden of proof.

13 (b) For purposes of this section, “emergency rescue personnel” means any
14 person who is a firefighter, police officer or other law enforcement officer, EMT,
15 Advanced EMT, or paramedic, of the federal government, the CNMI government,
16 or local government, or other public or municipal corporation or political
17 subdivision of this the CNMI, whether such person is a volunteer or partly paid or
18 fully paid, while he is or she is actually engaged in providing emergency services
19 as defined in this section.

20 (c) For purposes of this section, “emergency services” includes, but is not limited
21 to, first aid and medical services, the administration of an opioid overdose reversal

1 medication, rescue procedures and transportation, or other related activities
2 necessary to insure the health or safety of a person in imminent peril.”

3 **Section 6. Amendment.** Title 7, Division 2, Chapter 8 is hereby amended
4 by adding a new section 2809 to read as follows:

5 **“§ 2809. Statutory Liability Limitations: Emergency Services; PSS**
6 **Employee Rendering Emergency Care at an Emergency Scene.**

7 Any Public School System employee not licensed under the CNMI Nurse
8 Practice Act [3 CMC §§ 2301 et seq.] who renders emergency care including
9 administration of an opioid overdose reversal medication at the scene of an
10 emergency during an officially designated school activity or who participates in
11 transporting therefrom an injured person or persons for emergency medical
12 treatment shall only be liable for civil damages resulting from acts or omissions
13 performed in a grossly negligent manner or acts or omissions not performed in good
14 faith.”

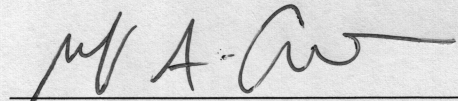
15 **Section 7. Severability.** If any provisions of this Act or the application of
16 any such provision to any person or circumstance should be held invalid by a court
17 of competent jurisdiction, the remainder of this Act or the application of its
18 provisions to persons or circumstances other than those to which it is held invalid
19 shall not be affected thereby.

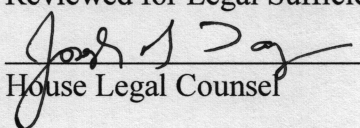
20 **Section 8. Savings Clause.** This Act and any repealer contained herein
21 shall not be construed as affecting any existing right acquired under contract or

1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying, any liability, civil or criminal,
5 which shall already be in existence on the date this Act becomes effective.

6 **Section 9. Effective Date.** This Act shall take effect upon its approval by
7 the Governor, or its becoming law without such approval.

Prefiled: 3/3/2023

Date: _____ Introduced by: 
Rep. Malcom J. Omar

Reviewed for Legal Sufficiency by:

House Legal Counsel