

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

456B0151

## HOUSE ENGROSSED NO. **SB 84** - 2/26/2019

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Stalzer, Blare, Bolin, Cammack, Ewing, Jensen (Phil), Kennedy, Kolbeck, Langer, Maher, Nelson, Nesiba, Novstrup, Partridge, Rusch, Schoenbeck, Soholt, Solano, Steinhauer, White, and Wiik and Representatives Jensen (Kevin), Diedrich, Duba, Greenfield (Lana), Johns, Otten (Herman), Peterson (Sue), Qualm, Reed, Ring, Schoenfish, Steele, Sullivan, and Willadsen

1 FOR AN ACT ENTITLED, An Act to authorize the possession and administration of opioid  
2 antagonists by school district and nonpublic school personnel, and to declare an emergency.

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

4 Section 1. That chapter 13-33A be amended by adding a NEW SECTION to read:

5 The governing board of a school district and the governing board of a nonpublic school may  
6 acquire opioid antagonists in accordance with current state law and administrative rule, and  
7 make the medication available to personnel who are trained in accordance with section 2 of this  
8 Act.

9 Section 2. That chapter 13-33A be amended by adding a NEW SECTION to read:

10 Before school personnel may administer an opioid antagonist in the event of a suspected  
11 opioid overdose, training must be provided by an individual qualified to do so. The training  
12 must include:



- 1 (1) Symptoms of an opiate overdose;
- 2 (2) Protocols and procedures for administering an opioid antagonist;
- 3 (3) Symptoms of adverse responses to an opioid antagonist;
- 4 (4) Protocols and procedures for stabilizing the patient if an adverse response occurs; and
- 5 (5) Procedures for transporting, storing, and securing an opioid antagonist.

6 Section 3. That chapter 13-33A be amended by adding a NEW SECTION to read:

7 No school district, administrator, school board member, school nurse, or designated school  
8 personnel possessing or making available opioid antagonists in accordance with state law, and  
9 no health care professional providing training in relation thereto, may be held liable for any  
10 injury or related damage that results from the administration of, the self-administration of, or  
11 the failure to administer an opioid antagonist, if such action or inaction constitutes, ordinary  
12 negligence. This immunity does not apply to an act or omission constituting gross, willful, or  
13 wanton negligence. The administration of an opioid antagonist does not constitute the practice  
14 of medicine. The immunity provided under this section is in addition to, and not in lieu of, any  
15 other immunity provided by law.

16 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,  
17 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
18 effect from and after its passage and approval.