

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**Bill 28 (2023)
RELATING TO NALOXONE.**

THE PROPOSED CD1 makes the following amendments:

- A. In SECTION 2 of the bill, amends the following:
 - 1. Fills in the blank in the "**Requirement to provide naloxone**" section (34-__.2) to require a minimum of two doses of naloxone be available at included businesses.
 - 2. Removes the "**Enforcing agency**" section and renumbers the subsequent sections.
 - 3. Amends the title of section 34-__.6 from "**Civil Penalty**" to "**Penalty.**"
- B. Makes miscellaneous technical and nonsubstantive amendments.



A BILL FOR AN ORDINANCE

RELATING TO NALOXONE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to promote public health, safety, and welfare by enhancing access to naloxone hydrochloride ("naloxone").

Naloxone is a nonselective opioid receptor antagonist that reverses the effects of respiratory depression and sedation by displacing opioids from the mu-opioid receptor in the central nervous system. Timely administration of naloxone, usually within minutes of the first signs of an opioid overdose, can counter the overdose effects.

There is a prevalence of opioid-related deaths in Hawai'i. According to the Hawai'i State Department of Health, from August 2017 to August 2018, there were 59 deaths from an opioid overdose. This has only worsened: in 2020, that number increased to 274, a nearly 500% increase.

The chance of an overdose can drastically increase when opioids are combined with alcohol. The drugs can enhance each other's effects, causing a number of serious side effects and/or death.

Fortunately, naloxone has been proven to counter overdose effects and save lives. Naloxone is not a controlled substance and has no known abuse potential. Naloxone is a potentially life-saving treatment when used together with other appropriate measures (e.g. calling 911). Current evidence suggests that increasing access to naloxone has the potential to reduce opioid overdose deaths. Due to its life-saving benefits, naloxone has been approved by the United States Food and Drug Administration to be made available over-the-counter.

Accordingly, the City Council ("Council") finds that the opioid epidemic is a serious issue. Furthermore, the Council finds that establishments that primarily serve alcohol are particularly high-risk locations for opioid overdoses and that the accessibility of naloxone in these locations must be increased.

Therefore, this ordinance requires that certain classes, kinds, and categories of liquor-licensed establishments:

1. Maintain a certain amount of naloxone on their premises; and
2. Train managers in the proper administration of naloxone.



A BILL FOR AN ORDINANCE

SECTION 2. Chapter 34, Revised Ordinances of Honolulu 2021 ("Regulation of Businesses"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: NALOXONE

§ 34-__1 Definitions.

Included business. A business licensed by the Honolulu liquor commission to sell or serve liquor and included in one or more of the following classes under State law:

1. Class 2: Restaurant license, as defined in HRS § 281-31(c);
2. Class 5: Dispenser license, as defined in HRS § 281-31(f);
3. Class 9: Tour or cruise vessel license, as defined in HRS § 281-31(i);
4. Class 11: Cabaret license, as defined in HRS § 281-31(k);
5. Class 14: Brewpub license, as defined in HRS § 281-31(n); and
6. Class 18: Small craft producer pub license, as defined in HRS § 281-31(r).

Manager. The designated person duly registered with the Honolulu liquor commission as a manager or assistant manager who is in active charge of the licensed premises during the hours during which the business is permitted, under its license, to sell or serve liquor.

§ 34-__2 Requirement to provide naloxone.

Included businesses must maintain a minimum of two doses of naloxone on their premises, which may be administered to an individual to reverse the effects of an opioid overdose.

§ 34-__3 Employee training.

All managers of any included business must be trained in the proper administration of naloxone.



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§ 34-__4 Maintenance.

Included businesses must:

- (1) Ensure that any naloxone required to be maintained on the premises is stored in accordance with the guidelines set forth by the manufacturer; and
- (2) Replace any doses of naloxone that are past their expiration date, as determined by the manufacturer.

§ 34-__5 Protection from liability.

Any person who provides or administers naloxone pursuant to this article is subject to the protection from liability of HRS § 663-1.5(a).

§ 34-__6 Penalty.

Any business violating this article is subject to a fine of not more than \$200. Nothing in this article may be interpreted to preclude the Honolulu liquor commission from enforcing its own rules."



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SECTION 3. This ordinance takes effect on January 1, 2024.

INTRODUCED BY:

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

March 29, 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu