



**HARM REDUCTION AND OVERDOSE PREVENTION
50-State Survey**


Harm Reduction Laws in the United States

Drug overdose is a continuing epidemic that claimed the lives of over 67,000 Americans in 2018. Opioids, either alone or in combination with other substances, were responsible for approximately 70% of these deaths. Many of these lost lives and other opioid-related harms are preventable through the timely administration of the opioid reversal drug naloxone and, where appropriate, other follow-up care.

Similarly, consistent access to new injection supplies is critical to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among people who inject drugs, and to prevent subsequent infection of sexual partners, children, and others. Unfortunately, state laws and local rules can make it difficult for people who inject drugs to access these lifesaving supplies, and variations in laws among states can create confusion among both people who inject drugs and people and organizations working to ensure that they have the supplies they need to protect themselves and others.

Table of Contents

<u>Alabama</u>	<u>Alaska</u>	<u>Arizona</u>	<u>Arkansas</u>	<u>California</u>
<u>Colorado</u>	<u>Connecticut</u>	<u>District of Columbia</u>	<u>Delaware</u>	<u>Florida</u>
<u>Georgia</u>	<u>Hawaii</u>	<u>Idaho</u>	<u>Illinois</u>	<u>Indiana</u>
<u>Iowa</u>	<u>Kansas</u>	<u>Kentucky</u>	<u>Louisiana</u>	<u>Massachusetts</u>
<u>Maryland</u>	<u>Maine</u>	<u>Michigan</u>	<u>Minnesota</u>	<u>Mississippi</u>
<u>Missouri</u>	<u>Montana</u>	<u>Nebraska</u>	<u>Nevada</u>	<u>New Hampshire</u>
<u>New Jersey</u>	<u>New Mexico</u>	<u>New York</u>	<u>North Carolina</u>	<u>North Dakota</u>
<u>Ohio</u>	<u>Oregon</u>	<u>Oklahoma</u>	<u>Pennsylvania</u>	<u>Rhode Island</u>
<u>South Carolina</u>	<u>South Dakota</u>	<u>Tennessee</u>	<u>Texas</u>	<u>Utah</u>
<u>Virginia</u>	<u>Vermont</u>	<u>Washington</u>	<u>Wisconsin</u>	<u>West Virginia</u>
<u>Wyoming</u>				



This document is designed to reduce this information gap and help individuals and organizations better understand how the legal landscape in their state may impact access to harm reduction services and supplies, including overdose Good Samaritan laws, which provide limited protection from criminal sanctions to encourage people to call for help in an overdose emergency. Specifically, it covers laws related to syringe possession and distribution, naloxone access, statewide naloxone standing orders, and overdose Good Samaritan overdose protections in all 50 states and the District of Columbia.

For each state, each area of law is briefly explained in plain language. The relevant citation is also listed, together with a hyperlink that will take the reader to the text of the law. All information is current as of September 15, 2020.

This document was developed by the Harm Reduction Legal Project with the support of NEXT Distro, an online and mail-based harm reduction platform designed to reduce opioid overdose death, prevent injection-related disease transmission, and improve the lives of people who use drugs. For more information about the Harm Reduction Legal Project or to request information or technical assistance regarding harm reduction law or policy, please visit <https://www.networkforphl.org/resources/topics/projects/harm-reduction-legal-project/> or email harmreduction@networkforphl.org. For more information about NEXT Distro or to access harm reduction supplies, please visit <https://nextdistro.org/>. The information contained in this document is available in an easy to access format on the NEXT website at <https://nextdistro.org/policies>.


Alabama

Syringe Possession & Distribution

- » [Ala. Code § 13A-12-260](#)
- » It is illegal to possess, use, sell, or deliver drug paraphernalia in the state of Alabama.
- » Syringes are considered drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the body.
- » Possession or use of drug paraphernalia is a class A misdemeanor.
- » Delivery or sale; or possession/manufacture with intent to deliver or sell drug paraphernalia is a Class A misdemeanor for a first-time offense, with higher penalties for further offenses or for delivery to a minor.
- » A prescription is not required to possess a syringe, and state law does not regulate the retail sale of syringes.
- » There is no law authorizing syringe access programs.

Naloxone Access Law

- » [Ala. Code § 20-2-280](#)
- » A physician may prescribe, directly or by standing order, and a pharmacist or registered nurse may give naloxone to a person at risk of overdose or a family member, friend, first responder, or other person able to help someone experiencing an overdose.
- » The prescriber may require a written explanation of why the person seeking naloxone needs it.
- » A prescriber or county health officer that prescribes naloxone or issues a standing order for naloxone, or a pharmacist or registered nurse who gives out naloxone, is immune from civil or criminal liability.

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- » A person who administers naloxone in the good faith belief that the person receiving the naloxone is experiencing an overdose is immune from civil or criminal penalties, so long as they exercise reasonable care, including receiving basic instruction on how to use naloxone.

Naloxone Standing Order

- » <https://www.alabamapublichealth.gov/pharmacy/assets/naloxonestandingorder.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose. It also permits pharmacists to give naloxone to certain agencies or organizations.
- » Before getting naloxone under the standing order, a person must fill out a form explaining why they need it and whether they are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose. There is a separate form for agencies and organizations that want to get naloxone. If possible, a person seeking naloxone may want to download the standing order and form to bring to the pharmacy, in case the pharmacy does not have it. This [form](#) will be filed by the pharmacist like any other prescription.
- » Unlimited refills are allowed, but only one kit at a time will be given to an individual. Organizations can get more than one at a time.

Good Samaritan Law

- » [Ala. Code § 20-2-281](#)
- » If at the scene of an emergency, a person acts in good faith under the reasonable belief that they were the first person to call for medical help, uses their own name when calling for help, and remains with the person who needed help until help arrives, they may not be prosecuted for a misdemeanor controlled substance offense if the only reason the police knew of the offense was because that person sought medical help for another person.
- » The law does not appear to provide any immunity for the person who overdosed.
- » This protection does not apply to violations of [AL ST § 32-5A-191](#), which prohibits drunk and drugged driving.


Alaska

Syringe Possession & Distribution

- » There are no state laws prohibiting the possession or distribution of syringes. However, some local communities have made possession and/or distribution a crime.
- » There is no specific law authorizing or forbidding Syringe Services Programs (SSPs).

Naloxone Access Law

- » [Alaska Stat. § 17.20.085](#)
- » The law does not limit the type of naloxone that can be given out.
- » A prescriber may prescribe naloxone to any person at risk of overdose or a friend, family member, caregiver, or other person in a position to administer naloxone, directly or by standing order or protocol.

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- » An employee or volunteer of an opioid overdose program may receive and possess naloxone, and give naloxone to any person at risk of overdose or a friend, family member, caregiver, or other person in a position to administer naloxone.
 - » Under Alaska Stat. [§ 09.65.340\(a\)](#), a prescriber or an employee or volunteer of an opioid overdose program is not liable for civil damages when giving out naloxone so long as each person who received the naloxone was given training on its use.
 - » Under Alaska Stat. [§ 09.65.340\(b\)](#), a person who administers naloxone to a person they reasonably believe is experiencing an opioid overdose is not liable for civil damages in most cases.

Naloxone Standing Order

- » http://dhss.alaska.gov/dph/Director/Documents/opioids/StandingOrder_September30.pdf
- » This standing order does not authorize pharmacies to distribute naloxone, but instead authorizes any approved Department of Health and Social Services Project HOPE Overdose Response Program (ORP) to maintain opioid overdose rescue kits to distribute or administer to a person at risk of experiencing an opioid overdose or a family member, friend, caregiver, or other person in a position to help a person at risk of experiencing an opioid overdose.
- » Narcan is the only form of naloxone allowed by the standing order.
- » To get a kit, a person must complete the required survey and training on its use.

Good Samaritan Law

- » [Alaska Stat. § 11.71.311](#)
- » A person may not be prosecuted for certain types of possession, use, or display of a controlled substance so long as the person sought help in good faith for themselves or another person.
- » If calling for help for another person, any evidence found because a person called for help cannot be considered so long as:
 - the person calling for help reasonably believed that the other person was experiencing an overdose;
 - the person calling for help remained at the scene; and,
 - the person calling for help cooperated with medical or law enforcement personnel, including providing identification.
- » If a person calls for help for themselves when they are experiencing an overdose, evidence for the prosecution found because of the overdose and the need for medical help cannot be considered.
- » Calling for help can be used as a reason for “downward deviation in sentencing.” [Alaska Stat. § 12.55.155\(d\)\(19\)](#).
- » There appears to be no immunity for the person who overdosed, unless they are also the person who called for help.



Arizona

Syringe Possession & Distribution

- » [Ariz. Rev. Stat. Ann. § 13-3415](#)
- » The use, possession with intent to use, delivery, and possession with intent to deliver drug paraphrenia is illegal.
- » Syringes are considered drug paraphernalia when they are used, intended to be used, or designed to be used to inject controlled substances. Ariz. Rev. Stat. Ann. § 13-3415(F)(2)(k).
- » The use, possession with intent to use, delivery, and possession with intent to deliver drug paraphrenia is a class 6 felony. Ariz. Rev. Stat. Ann. § 13-3415(A-C).
- » There is no state law requiring adults to have a prescription to possess syringes.
- » There are no laws specifically allowing syringe services programs.

Naloxone Access Law

- » [Ariz. Rev. Stat. Ann. §§ 32-1968\(H\); 32-1979; 36-192; 36-2266-67](#)
- » A prescriber can prescribe and give naloxone to a person at risk of an opioid overdose or to a family member, community organization that serves people who use drugs (PWUD), or person in a position to help a person at risk of experiencing an opioid overdose.
- » A pharmacist may give naloxone to a person at risk of an opioid overdose or to a family member or a community member in a position to help a person at risk of experiencing an opioid overdose.
- » The AZ health department may give naloxone to a person at risk of overdose or who is experiencing an overdose.
- » Standing orders may allow pharmacists to distribute naloxone to any individual in the form of intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio).
- » Authorized prescribers and pharmacists are not subject to professional discipline or criminal liability as a result of prescribing or giving out naloxone.
- » Any person who administers naloxone in good faith and without being paid is not liable for civil or other damages, unless the person acts with gross negligence, wilful misconduct or intentional wrongdoing.

Naloxone Standing Order

- » <https://www.azdhs.gov/documents/prevention/womens-childrens-health/injury-prevention/opioid-prevention/naloxone-standing-order.pdf>
- » Covers intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio).
- » Allows pharmacists to distribute naloxone to “any individual.”

Good Samaritan Law

- » [Ariz. Rev. Stat. Ann. § 13-3423](#)
- » A person who acts in good faith and calls for help for an alcohol or drug related overdose, whether for themselves or others, may not be charged or prosecuted for possession or use of a controlled substance or drug paraphernalia, if evidence for the offense was found as a result of calling for help.

- » The person who overdosed has the same protections.
- » Calling for help may be considered as mitigation in any other drug prosecution.

Arkansas

Syringe Possession & Distribution

- » [Ark. Code Ann. § 5-64-443](#)
- » [Syringes are drug paraphernalia if they are used, intended for use, or designed for use in injecting a controlled substance into the body. Ark. Code Ann. § 5-64-101 \(12\)\(B\)\(xi\).](#)
- » The possession with intent to use drug paraphrenia to inject a controlled substance is a class A misdemeanor or, if the controlled substance is methamphetamine, heroin, fentanyl, or cocaine, a class D felony.
- » Delivery of drug paraphernalia to minors carries further penalties.
- » There is no state law requiring a prescription to possess syringes.
- » There is no law allowing or forbidding syringe services programs.
- » There are laws against selling drug paraphernalia, but there appears to be no law against giving it away for free.

Naloxone Access Law


- » [Ark. Code. Ann. § 20-13-1801 et. seq.](#)
- » A healthcare professional can prescribe, directly or by standing order, and give naloxone to a person at risk of an opioid overdose or to a family member or friend of a person at risk of overdose, a pain management clinic, a harm reduction organization, an EMT, first responder, or law enforcement officer or agency, or an employee of the State Crime Library.
- » Authorized prescribers and pharmacists are not subject to professional discipline or criminal or civil liability as a result of prescribing or giving out naloxone.
- » Any non-healthcare professional who administers naloxone in good faith to a person they reasonably believe is experiencing an opioid-related overdose is immune from civil and criminal liability or professional sanctions.

Naloxone Standing Order

- » https://apa.memberclicks.net/assets/Naloxone/naloxone_protocol.pdf
- » Covers intranasal naloxone (either Narcan spray or generic atomizer) and auto-injector naloxone (like Evzio).
- » Allows pharmacists to distribute naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help.

Good Samaritan Law

- » [Ark. Code. Ann. § 20-13-1701 et. seq.](#)
- » A person who acts in good faith and calls for help for a drug overdose, whether for themselves or others, may not be arrested, charged, or prosecuted for possession of a controlled substance, if evidence for the offense was found as a result of calling for help.
- » A person who acts in good faith and calls for help for a drug overdose, whether for themselves or others, may not be penalized for a violation of a restraining or protective order, pretrial



release, probation, or parole, if evidence for the violation was found as a result of calling for help. These protections apply for violations based on possession of a controlled substance only.

- » There appear to be no protections for the person who overdosed, unless they called for help for themselves.

California

Syringe Possession & Distribution


- » [Cal. Health & Saf. Code 11364](#)
- » Syringes are defined as paraphernalia if designed or marketed for injecting controlled substances into the body. [Cal. Health & Saf. Code 11014.5](#). Possession of paraphernalia is generally illegal. However, the possession of a syringe solely for personal use, if the syringe was given by a doctor, pharmacist, syringe exchange program, or any other source authorized by law, is not illegal. Beginning January 1, 2021, possession of a syringe is not a crime regardless of the source.
- » Delivery of paraphernalia is illegal, except as provided by law. [Cal. Health & Safety Code § 11364.7](#).
- » Syringe exchange is explicitly allowed by [Cal. Health & Saf. § 121349\(b\)](#).
- » Physicians and pharmacists are also allowed to give out syringes to people 18 and over without a prescription. Cal. Bus. & Prof. Code § 4145.5(b).

Naloxone Access Law

- » [Cal. Civ. Code § 1714.22](#); [Cal. Bus. & Prof. Code § 4052.01](#); [16 CCR § 1746.3](#)
- » Prescribers may prescribe and give out naloxone, either directly or by standing order, to a person at risk of overdose or a family member, friend, or other person in a position to help.
- » If a person receives naloxone via standing order, they must complete training from an opioid overdose prevention and treatment training program.
- » Pharmacists may give naloxone to persons with a history of use of opioids or persons in contact with someone with a history of use of opioids without that person first getting a prescription for it as long as they follow a statewide protocol. The protocol requires the pharmacist to be trained. Before giving out naloxone, a pharmacist must provide a consultation outlined in the law.
- » A health care provider acting with reasonable care has civil and criminal immunity for issuing a prescription for naloxone and cannot be professionally sanctioned.
- » A person who gives out naloxone under a prescription or standing order is not subject to civil action, criminal prosecution, or professional review.
- » A person who administers naloxone and has received proper training who acts with reasonable care, in good faith, and without payment is not subject to civil action, criminal prosecution, or professional review.

Naloxone Standing Order

- » There is no statewide standing order, only the statewide protocol described above.

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- » Under the protocol, a pharmacist may supply naloxone as an intramuscular injection, intranasal spray (like Narcan or other sprays), auto-injector (like Evizo) or in another FDA-approved product form.
 - » Organizations may receive a standing order from the state to give out naloxone. They can apply at <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/Naloxone-Standing-Order.aspx>.

Good Samaritan Law

- » [Cal. Health & Saf. Code § 11376.5](#)
- » If a person in good faith calls for help for themselves or another person who is experiencing an overdose, and that person does not get in the way of medical or law enforcement personnel, being under the influence of or possessing for personal use a controlled substance or drug paraphernalia is not a crime.
- » This immunity applies to the person who called and the person who overdosed.


Colorado

Syringe Possession & Distribution

- » [Colo. Rev. Stat. Ann. § 18-18-428; 18-18-246](#)
- » Drug paraphernalia includes equipment used, intended for use, or designed for use in injecting a controlled substance.
- » Possession of drug paraphernalia is a drug petty offense punishable by a fine of not more than \$100.
- » If a person tells law enforcement or EMS that they have a syringe before they are searched or treated, the person cannot be arrested or cited for possession of that syringe or for any “minuscule, residual” controlled substance in the syringe.
- » Sale or delivery of drug paraphernalia is a level 2 drug misdemeanor.
- » A person is exempt from the above offenses if they are participating as an employee, volunteer, or participant in an approved syringe exchange program. [Colo. Rev. Stat. Ann. § 18-18-430.5](#)
- » There is no state law requiring a prescription to possess syringes.
- » Syringe exchange programs are authorized by law. [Colo. Rev. Stat. Ann. § 25-1-520.](#)

Naloxone Access Law

- » [Colo. Rev. Stat. Ann. § 12-30-110; 12-280-123; 13-21108.7](#)
- » A prescriber may prescribe, directly or by standing order, and give naloxone to a person at risk of an opioid overdose or to a family member, friend, or other person in a position to help a person at risk of overdose. They may also prescribe, directly or by standing order, and give naloxone to an employee or volunteer of a harm reduction organization, a first responder, a law enforcement agency, a school district, school, or employee of school, mental health professionals, or any non-private entity that makes automated external defibrillators (AEDs) available to the general public (collectively “community members”). Pharmacists may give naloxone to those people and groups under either a traditional prescription or standing order.

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- » Prescribers and pharmacists are not subject to professional discipline or criminal or civil liability as a result of prescribing or giving out naloxone.
 - » Community members may possess and administer naloxone. Community members acting under an order or standing order may give naloxone to a family member, friend, or other person in a position to help someone experiencing an overdose.
 - » Community members are not criminally or civilly liable for giving out naloxone.
 - » A community member or anyone who acts in good faith and who administers naloxone is immune from civil and criminal liability.

Naloxone Standing Order

- » https://www.colorado.gov/pacific/sites/default/files/PW_Naloxone-standing-orders-template_Pharmacy.pdf (sample)
- » Colorado does not maintain a single standing order, but issues them upon request. While each standing order may be slightly different, they are very similar in content. They can be requested [here](#).
- » Covers intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio).
- » Allows pharmacists, harm reduction organizations, and law enforcement agencies to distribute naloxone to first responders, a person at risk of overdose or a family member, friend, or other person in a position to help.

Good Samaritan Law

- » [Colo. Rev. Stat. Ann. § 18-1-711](#)
- » A person who calls for help in good faith for a drug or alcohol overdose may not be arrested or prosecuted for several offenses including possession of a controlled substance and possession of drug paraphernalia, if the following conditions are met:
 - The person remains at the scene until help arrives
 - The person identifies themselves to and cooperates with the responding party
 - The offense is part of the same event as the one involving the overdose
- » The person who overdosed has the same protections, so long as the person who calls for help meets all the above conditions.

Connecticut

Syringe Possession & Distribution

- » [Conn. Gen. Stat. Ann. § 21a-267](#)
- » The sale or delivery of syringes is not illegal. The drug paraphernalia law does not mention syringes or injection, but syringes are not explicitly ruled out, so a court could possibly consider a syringe to be drug paraphernalia.
- » Connecticut courts have found that the possession of controlled substances residue on needles is not a crime. *Doe v. Bridgeport Police Dept.*, 198 F.R.D. 325 (D.Conn. 2001).
- » A prescription is required for the purchase of more than 10 syringes. [Conn. Gen. Stat. Ann. § 21-a-65](#).
- » Syringe exchange programs are authorized by law. [Conn. Gen. Stat. Ann. 19-a-124](#).



Naloxone Access Law

- » [Conn. Gen. Stat. Ann. §§ 17a-714a; §§ 20-633c, d](#)
- » A prescriber may prescribe, directly or by standing order, or give naloxone to any person.
- » Certain pharmacists may also prescribe naloxone if they have been specially trained. [Conn. Gen. Stat. Ann. § 20-633c\(b\)](#).
- » All pharmacists may give out naloxone under a standing order or prescription, but must provide training to the recipient.
- » Prescribers and pharmacists are not subject to professional discipline or criminal or civil liability as a result of prescribing (if allowed), giving out, or administering naloxone.
- » Any person who has a good faith belief that another person is experiencing an overdose, other than a healthcare professional in the course of their employment, who acts with reasonable care and who administers naloxone is immune from civil and criminal liability.
- » A law enforcement agency, emergency medical service provider, government agency or community health organization may enter into an agreement with a health care provider to give out and administer naloxone. Conn. Gen. Stat. Ann. § 21a-286

Naloxone Standing Order

- » Connecticut does not maintain a statewide standing order, but prescribers can enter into standing orders with pharmacies.
- » A pharmacy participating in a standing order may only distribute intranasal naloxone (either Narcan spray or generic atomizer) and auto-injector naloxone (like Evzio). Naloxone may be dispensed to a person at risk of overdose or a family member, friend, or other person in a position to help a person experiencing an overdose. [Conn. Gen. Stat. Ann. § 20-633d\(a\)](#).
- » Prescribers and pharmacists who are authorized to prescribe on their own authority, however, may issue a prescription for any form of naloxone approved by the FDA. [Conn. Gen. Stat. Ann. § 17a-714a\(a\)](#).
- » No specific law allows the distribution of naloxone by community organizations, but the CT Department of Mental Health and Addiction Services website indicates that some SSPs may offer free naloxone. <https://portal.ct.gov/DMHAS/Programs-and-Services/Opioid-Treatment/Naloxone>

Good Samaritan Law

- » [Conn. Gen. Stat. Ann. § 21a-279\(d\); Conn. Gen. Stat. Ann. § 21a-267\(e\)](#).
- » A person who in good faith calls for help for a drug or alcohol overdose may not be arrested, charged, or prosecuted for possession of a controlled substance and possession or use of drug paraphernalia, if evidence of the violation was found as a result of calling for help.
- » These protections apply for both the person calling for help, whether they're calling for themselves or someone else, and the person who overdosed.



District of Columbia

Syringe Possession & Distribution

- » [D.C. Code Ann. § 48-1101; § 48-1103.](#)
- » The use of, possession with intent to use, delivery or sale of, or possession with intent to deliver or sell, drug paraphernalia is illegal.
- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [D.C. Code Ann. § 48-1101 \(K\).](#)
- » Use or possession with intent to use paraphernalia is punishable with up to 30 days imprisonment, a fine, or both. Delivery and sale of drug paraphernalia is punishable by up to 6 months imprisonment, a fine, or both. Higher penalties apply for repeat offenses or for delivery or sale to minors.
- » There is no state law requiring a prescription to possess syringes.
- » The Department of Human Services is authorized to establish syringe exchange programs, and the possession or distribution of syringes as part of the program is not a violation of law. [D.C. Code Ann. § 48-1103.01](#)

Naloxone Access Law

- » [D.C. Code § 7-404; § 7-403\(f\)](#)
- » A health care professional can prescribe, either directly or by standing order, and a health care professional or pharmacist may give naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or person in a position to help a person experiencing an opioid overdose, or to an employee or volunteer of a community-based organization.
- » An employee or volunteer of a community-based organization acting in good faith may give naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or person in a position to help a person experiencing an opioid overdose, so long as the employee or volunteer completes training.
- » Authorized health care providers and pharmacists are not subject to criminal or civil liability as a result of prescribing or giving out naloxone.
- » Anyone who gives out naloxone must provide training on its use.
- » Anyone who gives out naloxone according to the law is immune from civil or criminal liability for the use of the naloxone, so long as the person giving out naloxone was not reckless, grossly negligent, or engaged in intentional misconduct.
- » Possession of naloxone is legal even if the person doesn't have a prescription for it. [D.C. Code § 7-403\(f\)](#)

Naloxone Standing Order

- » https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/181204%20DC%20Naloxone%20Standing%20Order_1.pdf (Sample)
- » There is no blanket standing order; individual pharmacists must request one.
- » Covers intranasal naloxone (Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) (based on the sample order).
- » Requires completion of a Naloxone Training Program.



Good Samaritan Law

- » [D.C. Code § 7-403](#)
- » A person who reasonably believes that another person is experiencing an overdose and in good faith calls for help, whether for themselves or others, may not be arrested, charged, or prosecuted for possession of a controlled substance or paraphernalia, or unlawful use or possession with intent to use drug paraphernalia, if the offense arose from the same situation as the overdose.
- » The offenses for which protection is provided under the law may not be used as the sole basis for revoking or modifying someone's supervision status.
- » Calling for help can be considered as a mitigating factor for any other drug or alcohol related offense.
- » The person who overdosed also receives this immunity.


Delaware

Syringe Possession & Distribution

- » [Del. Code Ann. tit. 16, § 4771](#)
- » The use, possession with intent to use or deliver, and delivery of drug paraphernalia is illegal.
- » Syringes are considered drug paraphernalia when they are used, intended to be used, or designed to be used to inject controlled substances. [Del. Code Ann. tit. 16, § 4701 \(18\)k](#).
- » Use or possession with intent to use paraphernalia is a class B misdemeanor.
- » Delivery of drug paraphernalia is a class G felony. Delivery to a minor is a class E felony. [Del. Code Ann. tit. 16, § 4774](#).
- » There is no law requiring a prescription to possess syringes.
- » The State Division of Public Health must maintain a needle exchange program and designate private providers to operate the program. The program must be a 1-for-1 exchange. [Del. Code Ann. tit. 29, § 7990](#).
- » Program participants and employees are exempt from the drug paraphernalia laws regarding hypodermic needles or syringes when the possession or distribution is in connection to the exchange program. [Del. Code Ann. tit. 29, § 7993](#).

Naloxone Access Law

- » [Del. Code Ann. tit. 16, § 138; § 3001G](#)
- » A prescriber can prescribe, either directly or by standing order, and give naloxone to anyone who has completed an approved training program. Pharmacists may give naloxone so long as they act in good faith and with reasonable care.
- » Community-based programs may distribute naloxone to people who complete an approved training program.
- » Prescribers are not subject to professional discipline or criminal or civil liability as a result of prescribing or giving out naloxone to people who have completed an approved training program.
- » Pharmacists are not subject to professional discipline or criminal or civil liability unless the pharmacist has caused injuries or death willfully, wantonly, as a result of unreasonable care, or by gross negligence.

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- » Public safety personnel are authorized to administer naloxone after completing a training course and will not be liable for injury or death unless the injury or death was caused wilfully, wantonly, as a result of unreasonable care, or by gross negligence.
 - » There does not appear to be any immunity for a layperson who administers naloxone.

Naloxone Standing Order

- » <https://www.dhss.delaware.gov/dhss/dph/files/naloxonestandingorders.pdf>
- » Covers only intranasal naloxone (Narcan spray or generic atomizer) and auto-injector naloxone (like Evzio).
- » Allows community-based training programs and pharmacists to give naloxone only to people who have completed an opioid overdose responder training.

Good Samaritan Law

- » [Del. Code Ann. Tit. 16, § 4769](#)
- » A person who reasonably believes that someone is experiencing an overdose and calls for help, whether for themselves or others, may not be arrested, charged, or prosecuted for various drug crimes including possession of controlled substances and drug paraphernalia [Del. Code Ann. tit. 16, § 4769 \(c\)](#) so long as:
 - The person reports or helps report the overdose in good faith to law enforcement, 9-1-1, poison control, or a medical provider; and,
 - The person provides all important medical information relating to the overdose.
- » A person who reasonably believes that someone is experiencing an overdose and calls for help, whether for themselves or others, cannot have the conditions of their probation revoked or modified if they fulfill the same requirements as above.
- » The person who overdosed also has the above protections.

Florida

Syringe Possession & Distribution

- » [Fla. Stat. § 893.147](#)
- » The use, possession, and delivery of drug paraphernalia is illegal.
- » Syringes are considered drug paraphernalia when they are used, intended to be used, or designed to be used to inject controlled substances. [Fla. Stat. § 893.145\(11\)](#).
- » Use or possession with intent to use paraphernalia is a misdemeanor of the first degree. Delivery of drug paraphernalia is a felony in the third degree. Delivery to a minor is a felony in the second degree. [Fla. Stat. § 893.147\(3\)](#).
- » There is no state law requiring adults to have a prescription to possess syringes; however, there are some local laws that do require a prescription to get a syringe. There is also a state law that forbids the dispensing of syringes to minors except by a practitioner, parent, legal guardian, or pharmacist with a prescription. [Fla. Stat. § 893-147\(3\)\(b\)](#).
- » [Fla. Stat. § 381.0038](#) allows counties to establish syringe exchange programs, and the possession, distribution, or exchange of syringes as part of the program is not a violation of any law.



Naloxone Access Law

- » [Fla. Stat. § 381.887](#)
- » A prescriber can prescribe and give naloxone to a person at risk of an opioid overdose or to a family member, friend, or person in a position to “have recurring contact” with a person at risk of experiencing an opioid overdose. A pharmacist may give naloxone to the same categories of people.
- » Those people may then store and possess naloxone and use it in the case of an emergency.
- » Standing orders may be issued for naloxone, but only for auto-injector naloxone (like Evzio) and intranasal naloxone (Narcan or generic atomizer).
- » Authorized health care providers and pharmacists are not subject to professional discipline or criminal or civil liability as a result of prescribing or giving out naloxone.
- » Any person who receives naloxone from an authorized healthcare practitioner is given civil liability immunity under the state’s general Good Samaritan law ([Fla. Stat. § 768.13](#), as opposed to the alcohol or drug related overdose Good Samaritan law, Fla. Stat. § 893.21, discussed below). This law provides that any person who in good faith renders emergency care at the scene without objection from the injured victim and without payment cannot be found liable for civil damages as a result of acting, if they act as a reasonable person would under the circumstances.

Naloxone Standing Order

- » [http://www.floridahealth.gov/licensing-and-regulation/ems-system/ documents/standing-order-naloxone.pdf](http://www.floridahealth.gov/licensing-and-regulation/ems-system/documents/standing-order-naloxone.pdf)
- » Covers only intranasal naloxone (Narcan spray or generic atomizer) and auto-injector naloxone (like Evzio).
- » Allows pharmacists to distribute naloxone only to first responders including law enforcement, firefighters, paramedics, and EMTs.

Good Samaritan Law

- » [Fla. Stat. § 893.21](#)
- » A person who acts in good faith and calls for help for an alcohol or drug related overdose, whether for themselves or others, may not be arrested, charged, or prosecuted for possession of a controlled substance or use or possession of drug paraphernalia, if evidence for the offense was found as a result of calling for help.
- » A person who acts in good faith and calls for help for an alcohol or drug related overdose, whether for themselves or others, may not be penalized for a violation of pretrial release, probation, or parole, if evidence for the violation was obtained as a result of calling for help.
- » Calling for help or providing help can be used as mitigation in sentencing for other crimes. [Fla. Stat. § 921.0026](#)(2)(n).
- » There is no immunity for the person who overdosed, unless they are also the person who called for help.



Georgia

Syringe Possession & Distribution

- » [Ga. Code Ann. § 16-13-32](#)
- » Any instrument, device, or object designed to inject a controlled substance into the human body is considered a “drug related object.” Ga. Code Ann. § 16-13-32(a)(1)(A).
- » It is unlawful for any person to use, or possess with intent to use, drug related objects. [Ga. Code Ann. § 16-13-32.2](#).
- » It is unlawful for any person other than a pharmacist, doctor, or an employee of a registered SSP to give out syringes.
- » A first violation of this law is a misdemeanor, with higher penalties for further violations.
- » While a prescription is not required for syringes, pharmacies are required to keep syringes behind the counter and are not allowed to sell them if they suspect they will be used for an unlawful purpose. [Ga. Comp. R. & Regs. 480-10-13](#)
- » The Department of Public Health is authorized to establish rules for syringe services programs. [Ga. Code Ann. § 16-13-32\(c\)\(3\)](#).

Naloxone Access Law

- » [Ga. Code Ann. § 26-4-116.2](#)
- » A doctor acting in good faith and within the standard of care can prescribe naloxone to a person at risk of experiencing an overdose or to a pain management clinic, first responder, harm reduction organization, family member, friend, or other person in a position to help someone experiencing an overdose, and is immune from criminal or civil liability and professional licensing sanctions.
- » A pharmacist acting in good faith and within the standard of care may give out naloxone that was either prescribed or authorized by a standing order from the state health officer. Ga. Code Ann. § 26-4-116.2(c); Ga. Code Ann. § 31-1-10.
- » An appointed state health officer is authorized to issue a standing order for naloxone state-wide and is immune from criminal or civil liability and professional licensing sanctions so long as they act in good faith.
- » A person acting in good faith and with reasonable care may administer naloxone and is immune from criminal or civil liability and professional licensing sanctions.
- » The law allows naloxone to be prescribed to harm reduction organizations but does not specifically say that those organizations can then give out that naloxone. Ga. Code Ann. § 26-4-116.2(b).

Naloxone Standing Order

- » <https://dph.georgia.gov/sites/dph.georgia.gov/files/Final%202019%20standing%20order%20naloxone.pdf>
- » Allows pharmacists to provide intranasal naloxone (Narcan and generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio).
- » Allows pharmacists to give naloxone to a friend, family member, co-worker, first responder, school, pain management clinic, harm reduction organizations, or any person in a position to help someone at risk of overdose.



Good Samaritan Law

- » [Ga. Code Ann. § 16-13-5](#)
- » A person who calls for help for themselves or another person in need of medical assistance will not be arrested, charged, or prosecuted for possession of certain amounts of drugs and possession of paraphernalia if the evidence for the violation is based on information collected as a result of calling for help.
- » Any information collected as a result of calling for help cannot be a violation of a person's pretrial release, probation, or parole for a drug violation or a violation of a protective or restraining order.
- » The person who overdosed also qualifies for this immunity.


Hawaii

Syringe Possession & Distribution

- » [Haw. Rev. Stat. Ann. § 329-1](#)
- » All equipment, products or materials used to inject a controlled substance into the human body are considered drug paraphernalia. Syringes are considered drug paraphernalia when intended for injecting prohibited controlled substances into the human body. Haw. Rev. Stat. Ann. § 329-1.
- » Use, possession with intent to use, delivery, or possession with intent to deliver drug paraphernalia is illegal and is punishable by a fine of no more than \$500. Haw. Rev. Stat. Ann. § 329-43.5(a); (c). Delivering paraphernalia to a minor is a class B felony.
- » State law does not require a prescription for syringes, but prohibits the sale of syringes outside of a pharmacy, physician's office, or healthcare institution. [Haw. Rev. Stat. Ann. § 325-21](#).
- » Syringe exchange is legal in Hawaii when established by the director of health, who is authorized to designate private providers to operate programs. The law only authorizes 1-for-1 exchange. [Haw. Rev. Stat. Ann § 325-111](#)—117.
- » Supplies acquired through the syringe exchange do not violate the drug paraphernalia law. [Haw. Rev. Stat. Ann § 325-114](#).

Naloxone Access Law

- » [Haw. Rev. Stat. § 329E](#) et seq.
- » A prescriber, either directly or by standing order, may prescribe and give out, and a pharmacist may give out, naloxone to a person at risk for experiencing overdose, a harm reduction organization, or a person in a position to help another person at risk of experiencing an overdose. [Haw. Rev. Stat. § 329E-2\(a\); \(b\)](#).
- » A prescriber or pharmacist who acts with good faith and reasonable care is not subject to criminal or civil liability or professional discipline for prescribing or giving out naloxone, or any outcomes when the naloxone is administered. Haw. Rev. Stat. § 329E-2(b).
- » Any person may possess naloxone even if they don't have a prescription for it, and a person who acts with good faith and reasonable care administering naloxone to another person who appears to be experiencing an overdose is immune from criminal prosecution, professional sanction, or civil liability.

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- » A person or harm reduction organization authorized by standing order may store and give out naloxone for free. [Haw. Rev. Stat. § 329E-5](#).

Naloxone Standing Order

- » Hawaii allows standing orders to be issued, but there are no current statewide standing orders. Haw. Rev. Stat. §§ 329E-2.

Good Samaritan Law

- » [Haw. Rev. Stat § 329-43.6](#)
- » If a person calls for help in good faith for themselves or another person in need of medical assistance, that person cannot be arrested, charged, convicted, have their property subject to civil forfeiture, or be otherwise penalized for possession of a controlled substance or drug paraphernalia.
- » A person who calls for help may not be found in a violation of a restraining order, probation, or parole based on information collected as a result of calling for help.
- » Calling for help will be considered a mitigating factor in any other controlled substance or alcohol-related criminal prosecution.
- » The person who overdosed is also protected by this law.


Idaho

Syringe Possession & Distribution

- » [Idaho Code Ann. § 37-2734A](#); [37-2734B](#).
- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [Idaho Code Ann. § 37-2701 \(n\)\(11\)](#).
- » It is illegal to use or possess with intent to use drug paraphernalia to inject or otherwise introduce into the body a controlled substance. Idaho Code Ann. § 37-2734A.
- » It is illegal to deliver or possess with intent to deliver drug paraphernalia to inject a controlled substance into the body. Idaho Code Ann. § 37-2734B.
- » Use or possession with intent to use drug paraphernalia is a misdemeanor. Idaho Code Ann. § 37-2734A.
- » Delivery or possession with intent to deliver drug paraphernalia is a felony. Idaho Code Ann. § 37-2734B.
- » Idaho does not require a prescription for possession of a syringe.
- » Syringe exchange is authorized by state law. [Idaho Code Ann. § 37-3404](#).

Naloxone Access Law

- » [Idaho Code Ann. § 54-1733B](#)
- » A licensed health professional acting in good faith and exercising reasonable care can prescribe and dispense naloxone to a person at risk of experiencing an overdose, to a person in a position to help someone experiencing an overdose, to a person who may encounter an overdose on the job, or to any person the health professional determines has a valid reason to have naloxone.

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- » Any person acting in good faith and with reasonable care may administer naloxone to someone who appears to be experiencing an overdose.
 - » Any person who prescribes, dispenses, or administers naloxone is not civilly or criminally liable or liable in an administrative action.
 - » A person acting in good faith and with reasonable care may administer naloxone and is immune from criminal or civil liability and professional licensing sanctions.

Naloxone Standing Order

- » Idaho does not have a statewide standing order, but the office of drug policy has a standing order to get naloxone on behalf of certain agencies and organizations, who are then able to store and give out that naloxone.

Good Samaritan Law

- » [Idaho Code Ann. § 37-2739C](#)
- » A person who in good faith calls for help for themselves or another person in need of drug-related medical assistance will not be charged or prosecuted for possession, use, or being under the influence of a controlled substance or for using or possessing drug paraphernalia, if the charge is based on information collected as a result of calling for help.
- » The person who overdosed also qualifies for this immunity.


Illinois

Syringe Possession & Distribution

- » [720 Ill. Comp. Stat. Ann. 600/3.5](#)
- » Drug paraphernalia includes all equipment, products, and materials of any kind used to inject a controlled substance into the body. [720 Ill. Comp. Stat. Ann. 600/2\(d\)](#).
- » Possession of drug paraphernalia with the intent to use it to introduce a controlled substance into the human body is a class A misdemeanor. This does not apply to a person legally authorized to possess syringes under another law.
- » Sale or delivery of drug paraphernalia is only illegal for “commercial consideration.”
- » Local ordinances may provide greater restrictions. [720 Ill. Comp. Stat. Ann. 600/7](#).
- » An adult may purchase from a pharmacy and possess up to 100 syringes.
- » Syringe access programs are allowed by law. No person will be charged with or prosecuted for possession of syringes and other supplies, including residual amounts of controlled substances, obtained from or returned to an SSP. [410 Ill. Comp. Stat. Ann. 710/5](#).

Naloxone Access Law

- » [745 Ill. Comp. Stat. Ann. § 49/36](#), [§ 301/5-23](#); [§ 85/19.1](#)
- » A healthcare professional acting in good faith can prescribe, directly or by standing order, and dispense naloxone to a person who is capable of administering naloxone in an emergency or to a person who is not at risk of overdose, may be in a position to help someone experiencing overdose, and has received basic instruction on administering naloxone.

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- » Healthcare professionals are not subject to professional licensing sanctions for prescribing or giving out naloxone, and are not criminally liable except if they act with willful and wanton misconduct. [20 Ill. Comp. Stat. Ann. 301/5-23\(2\)](#).
 - » A pharmacist is also not civilly liable for giving out naloxone under a standing order, or under a standardized procedure or protocol. Under a procedure or protocol, the pharmacist is required to complete a training program. [745 Ill. Comp. Stat. Ann. 49/36](#), [225 Ill. Comp. Stat. Ann. 85/19.1](#).
 - » A person who has been trained to use naloxone and who is not otherwise licensed to administer naloxone may administer it in an emergency so long as they believe in good faith that another person is experiencing an overdose and so long as they administer the naloxone for free. [20 Ill. Comp. Stat. Ann. 301/5-23\(d\)\(2\)](#).

Naloxone Standing Order

- » <https://www.dph.illinois.gov/sites/default/files/Naloxone-SO-Procedures.pdf> (SAMPLE)
- » Signed standing orders are available upon request [here](#). Pharmacies and Overdose Education and Naloxone Distribution (OEND) programs must complete training before they are able to obtain the standing order. Individuals who can help in an overdose emergency have to receive basic instructions on how to administer naloxone. [20 ILCS 301/5-23](#).
- » Allows pharmacists and overdose education and naloxone distribution programs to provide intranasal naloxone (Narcan and generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio).
- » Allows pharmacists and overdose education and naloxone distribution programs to give naloxone to anyone who requests it to use for overdose reversal.

Good Samaritan Law

- » [720 Ill. Comp. Stat. Ann. 646/115](#); [720 Ill. Comp. Stat. Ann. 570/414](#); [730 Ill. Comp. Stat. Ann. 5/5-5-3.1\(14\)](#).
- » A person who calls for help in good faith for someone experiencing an overdose will not be charged or prosecuted for a class 4 felony possession if the charge is based on information collected as a result of calling for help. [720 Ill. Comp. Stat. Ann. 570/414\(b\)](#).
- » A separate statute applies specifically for possession of methamphetamine, in which case a person who calls for help will not be charged or prosecuted for a class 3 felony possession of methamphetamine if the charge is based on information as a result of calling for help. [720 Ill. Comp. Stat. Ann. 646/115\(b\)](#).
- » Calling for help will be considered a mitigating factor in a class 3 felony or higher controlled substances charge or a class 2 felony or higher methamphetamine charge. [730 Ill. Comp. Stat. Ann. 5/5-5-3.1\(14\)](#).
- » The person who overdosed also qualifies for these immunities. [720 Ill. Comp. Stat. Ann. 570/414\(c\)](#); [720 Ill. Comp. Stat. Ann. 646/115\(c\)](#).

Indiana

Syringe Possession & Distribution

- » [Ind. Code Ann. § 35-48-4-8.3](#)

- » Knowingly or intentionally possessing an instrument, device, or other object that a person intends to use to introduce a controlled substance into the body is a class C misdemeanor, with higher penalties for repeat offenses. [Ind. Code Ann. § 35-48-4-8.3\(b\)\(1\)](#)
- » Delivery or sale of an instrument, device, or other object designed to introduce a controlled substance into the body is a class A infraction, with higher penalties for repeat offenses. Ind. Code Ann. [§ 35-48-4-8.5 \(a\)\(1\)](#).
- » Syringe exchanges are exempt from the delivery law. [Ind. Code Ann. § 35-48-4-8.5 \(c\)\(3\)](#).
- » Syringes do not require a prescription, but can only be purchased at a pharmacy. [856 Ind. Admin. Code 2-6-18](#).
- » Syringe exchange is authorized by law, but only in areas where a public health emergency has been declared or a program has been approved. [Ind. Code Ann. § 16-41-7.5-4, et seq.](#)
- » A law enforcement officer cannot stop, search, or seize a person for participating in a syringe exchange program, and participation cannot be a basis for probable cause or reasonable suspicion. [Ind. Code Ann. § 16-41-7.5-9](#).

Naloxone Access Law


- » [Ind. Code Ann. § 16-42-27-2; 3](#)
- » A prescriber may prescribe, either directly or by standing order, and give out naloxone to a person at risk of experiencing an overdose, or family member, friend, or other person in a position to help someone experiencing an overdose, but must provide training and drug treatment information. The prescriber is immune from civil liability, so long as there is no gross negligence or willful misconduct.
- » A pharmacist who dispenses naloxone is immune from civil liability, so long as there is no gross negligence or willful misconduct. [Ind. Code Ann. § 16-42-27-3](#).
- » A person at risk of overdose or family member, friend, or other person in a position to help who gets naloxone via prescription or standing order may administer naloxone to someone experiencing an overdose. If they act in good faith and attempt to call for help, they cannot be accused of practicing medicine without a license, and they are immune from civil liability, so long as there is no gross negligence or willful misconduct.
- » While the law doesn't say it explicitly, registered naloxone entities such as public health departments and harm reduction organizations may dispense naloxone via standing order. [Ind. Code Ann. § 16-42-27-2\(e\)](#).

Naloxone Standing Order

- » Indiana's standing order is only available to registered "naloxone entities" such as public health departments and harm reduction organizations, that apply for the [program](#).
- » In order to get a standing order, an entity must register annually, provide education and training, and provide treatment referrals.
- » From the standing order toolkit available online, it appears that intranasal naloxone (Narcan and generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) are allowed.

Good Samaritan Law

- » [Ind. Code Ann. § 16-42-27-2](#).

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- » Indiana's Good Samaritan Law only applies to people who administered naloxone that they got legally. Additionally, the person must have come into contact with law enforcement because they tried to help a person experiencing an overdose, and:
 - Attempted to call for help
 - Provided their full name and any other relevant information to law enforcement
 - Remained at the scene until medical assistance arrives
 - Cooperated with emergency medical personnel and law enforcement.
 - » A person who administers naloxone and calls for help according to the law cannot be taken into custody for possession of cocaine, methamphetamine, controlled substance, paraphernalia, or marijuana.
 - » The fact that someone called for help for another person may be used as a mitigating factor in that person's sentencing. [Ind. Code Ann. § 35-38-1-7.1\(b\)\(12\)](#).
 - » [There does not appear to be any protection for the person who overdosed.](#)

Iowa

Syringe Possession & Distribution


- » [Iowa Code § 124.414](#)
- » All equipment, products or materials used to inject a controlled substance into the human body are considered drug paraphernalia.
- » Manufacture, delivery, sale, or possession of drug paraphernalia is a simple misdemeanor. However, the law excludes syringes from the definition of drug paraphernalia if they are manufactured, delivered, sold, or possessed for a "lawful purpose."
- » Syringe exchange is not currently legal in Iowa.

Naloxone Access Law

- » [Iowa Code § 135.190](#)
- » A licensed healthcare professional may prescribe, and a pharmacist may give out, naloxone to a person in a position to help another person at risk of experiencing an overdose.
- » A prescriber who has acted reasonably and in good faith is not liable for any injury caused by any administration of the naloxone.
- » Pharmacists may give out naloxone under a traditional prescription as well as through a standing order or collaborative practice agreement.
- » A person in a position to help may possess and provide or administer naloxone to a person they reasonably and in good faith believe is experiencing an overdose, and is not liable for any injury resulting from their help.

Naloxone Standing Order

- » https://pharmacy.iowa.gov/sites/default/files/documents/2019/09/iowa_naloxone_standing_order_-_092119.pdf
- » Allows pharmacists to provide intranasal naloxone (Narcan and generic atomizer) and auto-injector naloxone (like Evzio).

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- » Allows pharmacists to give naloxone to a person at risk of overdose, a friend, family member, or person in a position to help someone at risk of overdose, or a first responder employed by a service program, law enforcement agency, or fire department.
 - » Requires pharmacists to determine the person seeking naloxone's eligibility and keep an eligibility form on file for each person seeking naloxone.
 - » Requires people seeking naloxone to complete training provided by the pharmacist.
 - » Allows pharmacists to give out up to 5 naloxone kits to any one person at one time unless more is reasonable and justified.
 - » Minors must have parental consent to get naloxone under the standing order.


Good Samaritan Law

- » [Iowa Code § 124.418](#)
- » If a person calls for help for themselves, information or evidence collected as a result of calling for help cannot be considered probable cause or be admissible as evidence for the following crimes:
 - Delivery of a controlled substance without profit
 - Possession of a controlled substance
 - Hosting of people using controlled substances
 - Possession of drug paraphernalia
- » If a person seeks help for another person in need of medical assistance, the same immunity applies, but the individual seeking help must:
 - Be the first person to seek help for the patient
 - Provide their name and contact information to law enforcement or medical personnel
 - Remain on the scene until help arrives
 - Cooperate with law enforcement or medical personnel
- » A person's pretrial release, probation, supervised release, or parole cannot be revoked based on information collected as a result of calling for help.
- » Calling for help or providing help can be used as a mitigating factor in other prosecutions. [Iowa Code § 124.418\(4\)](#).
- » Both the person who overdosed and a person who reported the overdose of another person may receive this immunity one time only.

Kansas

Syringe Possession & Distribution

- » [Kan. Stat. Ann. § 21-5709](#); [§ 21-5710](#)
- » Syringes are drug paraphernalia under [Kan. Stat. Ann. § 21-5701](#) if used or intended to be used to inject controlled substances.
- » Use, possession, or possession with intent to use drug paraphernalia is a class B nonperson misdemeanor if the goal was to use a controlled substance. Higher penalties exist if the paraphernalia was used or possessed to manufacture or test a controlled substance.

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- » Distribution, or possession with intent to distribute, drug paraphernalia is illegal and punishable as several levels of felony or misdemeanor, with higher penalties when distributing to minors or near schools.
 - » There are no laws allowing syringe services programs.

Naloxone Access Law

- » [Kan. Stat. Ann. § 65-16,127](#)
- » Allows pharmacists to provide naloxone to a person believed to be at risk of experiencing an opioid overdose and to a family member, friend, caregiver or other person in a position to help a person whom the helper believes, in good faith, to be experiencing an opioid overdose without an individual prescription under a state protocol.
- » Any prescriber or pharmacist who prescribes or gives out naloxone in good faith and with reasonable care is not civilly or criminally liable, and cannot be subject to professional discipline.
- » Any patient, bystander, or first responder who receives and administers naloxone is not subject to civil liability or criminal prosecution in most cases.

Naloxone Standing Order

- » https://www.pharmacy.ks.gov/docs/default-source/Naloxone/naloxone-statewide-protocol---official.pdf?sfvrsn=c709a601_6
- » Kansas does not have a standing order, but instead has a protocol that allows pharmacists to give out naloxone without an individual prescription. Because Kansas's protocol requires pharmacists to opt-in to the protocol, check with the pharmacy before attempting to get naloxone to see if they participate.
- » Kansas's protocol covers intranasal naloxone (both Narcan spray and generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio).
- » Parental consent is required to provide naloxone to anyone under 18.
- » The pharmacist is required to give [counseling](#) on how to administer naloxone and where to get substance use disorder (SUD) treatment to anyone getting naloxone under the protocol.

Good Samaritan Law

- » Kansas does not have drug overdose Good Samaritan law protections.

Kentucky

Syringe Possession & Distribution

- » [Ky. Rev. Stat. § 218A.500](#)
- » Syringes used to inject controlled substances into the body are considered drug paraphernalia. [Ky. Rev. Stat. § 218A.500\(1\)\(k\)](#)
- » Use, possession with intent to use, delivery, or possession with intent to deliver drug paraphernalia is illegal. [Ky. Rev. Stat. § 218A.500\(2\); \(3\)](#).
- » Use, possession with intent to use, delivery, or possession with intent to deliver are all class A misdemeanors. [Ky. Rev. Stat. § 218A.500\(7\)](#).

- » If a law enforcement officer offers before a search, a person can admit to the presence of sharps in exchange for not being charged or prosecuted for possession of paraphernalia or residual amounts of controlled substances. [Ky. Rev. Stat. § 218A.500\(6\)](#).
- » Syringe exchange is authorized by law. [Ky. Rev. Stat. § 218A.500\(5\)](#).
- » Syringes and other items exchanged at a syringe exchange are not drug paraphernalia while located at the program. [Ky. Rev. Stat. § 218A.500\(5\)\(c\)](#).

Naloxone Access Law


- » [Ky. Rev. Stat. Ann. § 217.186](#); [201 Ky. Admin. Regs. 2:360](#)
- » A prescriber may prescribe, either directly or by standing order, and give out naloxone to a person or agency who the prescriber believes can administer naloxone in an overdose emergency. The prescription may also authorize another person to administer the drug to the person to whom it is prescribed, if that person also calls for help. [Ky. Rev. Stat. Ann. § 217.186 \(1\); \(2\)](#).
- » A pharmacist with a special certification may give out naloxone according to a physician-approved protocol authorizing them to do so. They may give naloxone to a person or agency that trains the public to administer naloxone. [201 Ky. Admin. Regs. 2:360](#).
- » Prescribers and pharmacists are immune from professional disciplinary action for prescribing or dispensing naloxone as permitted by the law. [Ky. Rev. Stat. Ann. § 217.186 \(1\)](#).
- » Schools may keep naloxone on the property to be used in an overdose emergency if the school board permits. [Ky. Rev. Stat. Ann. § 217.186 \(6\)](#).
- » Any person acting in good faith who administers naloxone they lawfully obtained is immune from criminal and civil liability, except in the case of gross negligence or willful or wanton misconduct. [Ky. Rev. Stat. Ann. § 217.186 \(4\)](#).

Naloxone Standing Order

- » <https://chfs.ky.gov/agencies/dph/dehp/hab/Documents/KYNaloxoneRx.pdf>
- » Kentucky has a state protocol in place of a standing order, which is for pharmacists who do not have a medical provider to issue them a protocol.
- » Allows pharmacists to distribute to the following categories of people:
 - Persons with a history of receiving care for overdose
 - Persons with suspected history of nonmedical opioid use
 - Persons on high-dose opioid prescriptions
 - Persons who are receiving their first methadone prescription for pain (opioid-naïve)
 - Persons starting on buprenorphine or methadone for SUD treatment
 - Persons on opioid prescriptions for pain in conjunction with certain other illnesses or prescriptions
 - Persons who may have difficulty calling for medical help
 - Any person or agency who voluntary requests naloxone.
- » Allows intranasal naloxone (like Narcan) or auto-injector naloxone (like Evzio) only.

Good Samaritan Law

- » [Ky. Rev. Stat. Ann. § 218A.133](#)
- » Anyone who in good faith calls for help for themselves, or helps another person call for help, or calls for help for another person experiencing a drug overdose cannot be charged or



prosecuted for possession of a controlled substance or possession of drug paraphernalia, if the evidence for the charge was discovered because they called for help, but only if they remain with the person in need of help.

- » This protection also applies to the person who overdosed.

Louisiana

Syringe Possession & Distribution

- » [La. Stat. Ann. § 40:1023](#)
- » Syringes are considered drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [La. Stat. Ann. § 40:1021\(11\)](#).
- » It is illegal to use, possess with intent to use, sell, or distribute drug paraphernalia. [La. Stat. Ann. § 40:1023](#).
- » Syringes may only be sold by legally authorized dealers, including pharmacists, and the purchaser must show a legitimate medical need, which can include preventing the spread of disease. [46 La. Admin. Code Pt LIII, 2509](#).
- » Sale of paraphernalia or offering paraphernalia for sale is illegal, but distribution for free is not discussed. [46 La. Admin. Code Pt LIII, 2509](#).
- » “Needle exchange” is allowed, so long as local authorities approve. [La. Stat. Ann. § 40:1024](#).

Naloxone Access Law


- » [La. Rev. Stat. Ann. § 40:978.2](#)
- » A prescriber may, directly or by standing order, prescribe and give out naloxone if they train the recipient on its use.
- » A pharmacist may give out naloxone that is prescribed or under a standing order that is issued by the chief medical executive of the department of health and human services.
- » A prescriber who lawfully prescribes or a pharmacist who lawfully gives out naloxone is immune from civil and criminal liability and disciplinary action under a professional licensing statute.
- » Any person or organization acting under a standing order may possess and give out naloxone.
- » Any person may possess naloxone.
- » A person who, in good faith, administers naloxone to a person they believe to be experiencing an overdose, has civil and criminal immunity for damages so long as the person did not act with gross negligence or willful or wanton misconduct.

Naloxone Standing Order

- » <https://ldh.la.gov/assets/opioid/NaloxoneStandingOrder2020.pdf>
- » Allows pharmacists to give out “any [naloxone] device approved by the FDA” to a person who knows how to recognize and respond to an overdose. [La. Stat. Ann. § 40:978.2 A. \(2\)](#).
- » Refills are authorized as needed.

Good Samaritan Law

- » [La. Stat. Ann. § 14:403.10](#)

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- » Anyone who in good faith calls for help for a person experiencing a drug overdose cannot be charged, prosecuted, or penalized for possession of a controlled dangerous substance, so long as that person did not illegally provide or administer the substance that caused the overdose, if the information supporting the charge was found as a result of calling for help.
 - » This protection also applies to the person who overdosed.

Massachusetts

Syringe Possession & Distribution

- » [Mass. Gen. Laws Ann. ch. 94C, § 32I](#)
- » While references to syringes or injecting have been removed from the paraphernalia law, all equipment, products or materials used to introduce a controlled substance into the body are considered drug paraphernalia.
- » Simple possession of paraphernalia is not illegal.
- » Sale of paraphernalia is illegal. Mass. Gen. Laws Ann. ch. 94C, § 32I (A). Distribution for free is not discussed.
- » Syringes and needles may only be sold by a pharmacist, or a person working in surgical supplies or embalming supplies. [Mass. Gen. Laws Ann. ch. 94C, § 27](#).
- » Syringe exchange is authorized by law. [Mass. Gen. Laws Ann. ch. 111, § 215](#).

Naloxone Access Law

- » [Mass. Gen. Laws Ann. ch. 94C, §§ 19\(d\)](#); [Mass. Gen. Laws Ann. ch. 94C, § 19B](#); [Mass. Gen. Laws Ann. ch. 94C, § 19B ½](#); [Mass. Gen. Laws Ann. ch. 112, § 12FF](#); [Mass. Gen. Laws Ann. ch. 94C, § 19](#); [Mass. Gen. Laws Ann. ch. 94C, § 34A](#)
- » Naloxone maybe be prescribed and dispensed to a person at risk of overdose, or a family member, friend, or other person in a position to help someone experiencing an overdose. [Mass. Gen. Laws Ann. ch. 94C, §§ 19\(d\)](#).
- » A pharmacist may give out naloxone under a standing order issued by the commissioner of the department of public health or a physician designated by the commissioner. [Mass. Gen. Laws Ann. ch. 94C, §§ 19B\(b\); \(c\)](#).
- » A prescriber who prescribes or gives out, and a pharmacist who gives out naloxone, and the commissioner or physician who issues the statewide standing order, is immune from civil and criminal liability, or professional disciplinary action, so long it was not an act of gross negligence or willful misconduct. [Mass. Gen. Laws Ann. ch. 94C, §§ 19B\(c\); \(f\)](#).
- » Any person acting in good faith may receive a prescription for naloxone and possess and administer naloxone. A person acting in good faith who administers naloxone will not be subject to criminal or civil liability or professional disciplinary action. [Mass. Gen. Laws Ann. ch. 94C, §§ 19\(d\)](#); [Mass. Gen. Laws Ann. ch. 112, § 12FF](#).

Naloxone Standing Order

- » <https://www.mass.gov/files/documents/2018/12/13/naloxone-dispensing-via-standing-order.pdf>
- » Allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) to a person at risk of overdose or a friend, family member, or other person in a position to help.



Good Samaritan Law

- » [Mass. Gen. Laws Ann. ch. 94C, § 34A](#)
- » Anyone who in good faith calls for help, either for themselves or another person experiencing a drug overdose, cannot be charged or prosecuted for possession of a controlled substance if the evidence for the charge was discovered because they called for help.
- » Anyone who in good faith calls for help, either for themselves or another person experiencing a drug overdose, cannot be found in violation of probation, parole, or pretrial release if the evidence for the charge was discovered because they called for help.
- » Calling for help may be used as a mitigating factor in a criminal prosecution for another charge.
- » All Good Samaritan protections also apply to the person who overdosed.

Maryland

Syringe Possession & Distribution

- » [Md. Code Ann., Crim. Law § 5-619](#)
- » Syringes used, intended for use, or designed for use in injecting controlled substances are considered drug paraphernalia. [Md. Code Ann., Crim. Law § 5-101 \(p\)\(2\)\(xi\)](#)
- » It is illegal to use or possess with intent to use paraphernalia to inject a controlled substance into the body. [Md. Code Ann., Crim. Law § 5-619 \(2\)\(ii\)](#).
- » It is illegal to deliver or sell paraphernalia if it will be used to inject controlled substances into the body. [Md. Code Ann., Crim. Law § 5-619 \(d\)\(1\)\(ii\)](#)
- » Use of paraphernalia or delivery of paraphernalia is a misdemeanor, with further punishments for repeat offenses or delivery to a minor. [Md. Code Ann., Crim. Law § 5-619 \(c\); \(d\)](#).
- » Syringes may only be sold by pharmacists to those who show ID and explain the need for the syringes. [Md. Code Regs. 10.13.08.01](#)
- » An AIDS Prevention syringe exchange is authorized in Baltimore City. [Md. Code Ann., Health-Gen. § 24-802](#). Staff members and participants cannot be found guilty of possessing or distributing paraphernalia if it is from the exchange, but only in the city of Baltimore.
- » Opioid-Associated Disease Prevention and Outreach Programs may be established by local health departments or community-based organizations with approval by the local department. These programs are allowed to distribute and collect needles and syringes. Staff members, volunteers, and participants cannot be found guilty of possessing or distributing paraphernalia if it is from an authorized exchange. [Md. Code Ann., Health-Gen. § 24-902](#); [Md. Code Ann., Health-Gen. § 24-908](#).

Naloxone Access Law

- » [Md. Code Ann., Health-Gen. § 13-3101](#) et seq.
- » A prescriber may prescribe and give out and pharmacists may give out naloxone to a person at risk of overdose or other person in a position to help someone experiencing an overdose, or an agency authorized to purchase, possess, and distribute naloxone.
- » A prescriber may issue a standing order if they are employed by a health department or if they have a written agreement with an authorized organization, and may allow an employee or volunteer of an organization to distribute naloxone.

- » A licensed healthcare provider who lawfully prescribes or dispenses naloxone is not subject to disciplinary action and is immune from civil liability if they act in good faith.
- » Authorized entities can enter into a protocol to dispense naloxone. [Md. Code Ann., Health-Gen. § 13-3104.](#)
- » Any person who lawfully obtains naloxone may possess and give out naloxone. [Md. Code Ann., Health-Gen. § 13-3105.](#)
- » A person who administers naloxone to a person who is believed to be experiencing an overdose has civil immunity. [Md. Code Ann., Health-Gen. § 13-3105.](#)

Naloxone Standing Order

- » <https://bha.health.maryland.gov/Documents/Standing%20Order%20Dr.%20Chan.pdf>
- » Allows Maryland-licensed pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) to any individual.

Good Samaritan Law

- » [Md. Code Ann., Crim. Proc. § 1-210](#)
- » Anyone who in good faith calls for help for themselves or another person experiencing a drug overdose cannot be arrested, charged, or prosecuted for possession of controlled substances or possession and distribution of paraphernalia if the evidence for the charge was discovered because they called for help.
- » A person who calls for help also cannot be sanctioned for violating pretrial release, probation, or parole, if the violation was discovered because they called for help.
- » The fact that a person called for help can be used as a mitigating factor in a criminal prosecution for both the caller and the person who overdosed.
- » These protections also apply to the person who overdosed, but only where they call for help for themselves.

Maine

Syringe Possession & Distribution

- » [Me. Rev. Stat. tit. 17-A, § 1111-A](#)
- » Syringes are explicitly exempted from the drug paraphernalia laws.
- » Other laws criminalize the possession of or furnishing of 11 or more syringes as a class D crime, but it is an affirmative defense to this charge if the person is participating in a hypodermic apparatus exchange program certified by the Department of Health and Human Services. [Me. Rev. Stat. tit. 17-A, § 1110](#); [1111](#).
- » Syringe exchange is allowed by law and limited to one-to-one exchange. [Me. Rev. Stat. tit. 22, § 1341](#), [Code Me. R. tit. 10-144 Ch. 252, § II](#).
- » It is an affirmative defense to controlled substances prosecutions if residual amounts of controlled substances are found in needles being transported to a needle exchange program. [Me. Rev. Stat. tit. 17-A, § 1107-A](#).



Naloxone Access Law

- » [Me. Rev. Stat. tit. 22, § 2353](#); [Me. Rev. Stat. tit. 32, § 13815](#).
- » A healthcare professional may, directly or by standing order, prescribe naloxone to a person of any age at risk of experiencing an overdose or a family member, friend, or other person in a position to help. [Me. Rev. Stat. Ann. tit. 22, § 2353\(2\)\(A\)](#); [§ 2353\(2\)\(C\)](#).
- » A pharmacist may prescribe and dispense naloxone to a person of any age at risk of experiencing an overdose or a family member, friend, or other person in a position to help. [Me. Rev. Stat. Ann. tit. 22, § 2353\(2\)\(A-1\)](#); [§ 2353\(2\)\(C-1\)](#).
- » A person at risk of overdose who receives naloxone via prescription or standing order may give that naloxone to a family member to possess and use in an overdose emergency. [Me. Rev. Stat. Ann. tit. 22, § 2353\(2\)\(B\)](#).
- » An organization acting under a standing order may store naloxone and give out naloxone for free. [Me. Rev. Stat. Ann. tit. 22, § 2353\(4\)](#).
- » A healthcare professional or pharmacist acting in good faith and with reasonable care is immune from civil and criminal liability and professional discipline for storing, giving out, or prescribing naloxone. [Me. Rev. Stat. Ann. tit. 22, § 2353\(5\)\(A\)](#).
- » Any person acting in good faith and with reasonable care is immune from civil and criminal liability and professional discipline for lawfully possessing or giving out naloxone, or for administering naloxone to a person they believe is experiencing an overdose. [Me. Rev. Stat. Ann. tit. 22 § 2353\(2\)\(A\)](#).

Naloxone Standing Order

- » Maine law permits standing orders; however, no statewide standing order appears to have been issued.


Good Samaritan Law

- » [Me. Rev. Stat. tit. 17-A, § 1111-B](#)
- » Anyone who in good faith calls for help or administers naloxone to another person experiencing a drug overdose may not be arrested or prosecuted for possession of drugs or acquiring drugs by deception, or use or possession of drug paraphernalia if the grounds for arrest or prosecution are found as a result of the person calling for help or administering naloxone.
- » Anyone who in good faith calls for help or administers naloxone to another person experiencing a drug overdose may also not be found in violation of probation.
- » This protection also applies to the person who overdosed.

Michigan

Syringe Possession & Distribution

- » [Mich. Comp. Laws § 333.7453](#)
- » All equipment, products or materials used to inject a controlled substance into the human body are considered drug paraphernalia under [Mich. Comp. Laws § 333.7451](#).
- » Possession of paraphernalia is not illegal.

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- » Sale of paraphernalia or offering paraphernalia for sale is illegal, but distribution for free is not discussed.
 - » Many municipalities have local ordinances that make sale or possession of syringes illegal in some cases.

Naloxone Access Law

- » [Mich. Comp. Laws § 333.17744b, c, e; Mich. Comp. Laws § 691.1503](#)
- » A prescriber may prescribe and pharmacists may give out naloxone to a person at risk of overdose, or a family member, friend, or other person in a position to help someone experiencing an overdose, or an agency authorized to purchase, possess, and distribute naloxone.
- » A pharmacist may give out naloxone under a standing order that is issued by the chief medical executive in the department of health and human services.
- » A prescriber who lawfully prescribes or a pharmacist who lawfully gives out naloxone that was properly stored is immune from civil liability in any injury resulting from the administration of the naloxone.
- » Any person “acting in good faith and exercising reasonable care” may possess and give out naloxone.
- » A person who administers naloxone to a person they, in good faith, believe to be experiencing an overdose, has civil immunity for damages resulting from the use of the naloxone so long as the person did not engage in willful or wanton misconduct. The person who administers naloxone is also immune from criminal prosecution or professional sanction.

Naloxone Standing Order

- » https://www.michigan.gov/documents/mdhhs/Standing_Order_571880_7.pdf
- » Allows pharmacists to give out “all formulations” of naloxone to a person at risk of overdose or a friend, family member, or other person in a position to help. Pharmacists should provide educational materials.
- » Organizations must get their own standing orders from a prescriber.

Good Samaritan Law

- » [Mich. Comp. Laws § 333.7404\(3\)](#)
- » Anyone who in good faith calls for help for themselves or another person experiencing a drug overdose cannot be arrested, charged, or prosecuted if they possess an amount of controlled substances that is for personal use only, if the evidence for the charge was discovered because they called for help.
- » This protection also applies to the person who overdosed.

Minnesota

Syringe Possession & Distribution

- » [Minn. Stat. Ann. §§ 152.092; 152.093](#)
- » The use, possession, or delivery of drug paraphernalia is illegal.

- » Syringes are not specifically listed as drug paraphernalia, but the definition of drug paraphernalia includes equipment, products, and materials used to inject a controlled substance into the body. [Minn. Stat. Ann. § 152.01](#).
- » The use and possession of drug paraphernalia is a petty misdemeanor, with higher penalties for multiple violations. Delivery of drug paraphernalia is a misdemeanor, with higher penalties for delivery to a minor. [Minn. Stat. Ann. §§ 152.092; 152.093](#).
- » Syringe possession and sale is regulated by another law, which allows certain categories of people to possess syringes, including those participating in a needle exchange program. [Minn. Stat. Ann. § 151.40 \(2\)](#).
- » A pharmacist may sell up to 10 syringes without a prescription. [Minn. Stat. Ann. § 151.40 Subd. 2.\(a\)](#).
- » Minnesota has not passed a law explicitly authorizing syringe services programs, but the state government has a program for the distribution and disposal of syringes. [Minn. Stat. §§ 151.40\(c\), \(d\); 325F.785; 116.835](#).

Naloxone Access Law

- » Minn. Stat. Ann. § 604A.04 Subd. 2; 3.
- » A prescriber may prescribe, directly or by standing order, and give or administer naloxone without being subject to civil or criminal liability, regardless of to whom and by whom the naloxone is eventually administered.
- » A person who is not a health care professional may possess or administer naloxone that was lawfully obtained, and is immune from criminal prosecution or civil liability if they act in good faith to administer naloxone to a person experiencing a drug overdose.

Naloxone Standing Order

- » The Minnesota Board of Pharmacy developed a protocol for naloxone dispensing, and pharmacists may use it or develop their own protocol. However, the pharmacist must still enter into an agreement with a prescriber. The Board's protocol is here: <https://www.health.state.mn.us/communities/injury/pubs/documents/OpiateAntagonistProtocolRevision09302016.pdf>.

Good Samaritan Law

- » [Minn. Stat. Ann. § 604A.05](#)
- » A person who calls for help for another person experiencing a drug-related overdose may not be charged or prosecuted for possessing, sharing, or using a controlled substance, or for possession of drug paraphernalia, only if:
 - Evidence of the violation was obtained as a result of the person calling for help
 - The person who calls for help is the first person to call for help, provides their name and contact information, remains on the scene, and cooperates with authorities.
- » Good faith does not include calling for help during the execution of an arrest or search warrant, or any lawful search.
- » A person's pretrial release, probation, furlough, supervised release, or parole cannot be revoked based on that person calling for help.
- » Calling for help can be used as a mitigating factor in other criminal prosecutions.
- » The person who overdosed has the same protections.



Mississippi

Syringe Possession & Distribution

- » [Miss. Code Ann. § 41-29-139\(d\)](#)
- » The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphrenia is illegal. Syringes are considered drug paraphernalia when they are used, intended to be used, or designed to be used to inject controlled substances. [Miss. Code Ann. § 41-29-105](#).
- » The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphrenia is a misdemeanor, with higher penalties for delivery or sale to a minor.
- » Syringe exchange is not authorized in Mississippi.

Naloxone Access Law

- » [Miss. Code Ann. § 41-29-319](#)
- » A prescriber may prescribe, directly or by standing order, and a pharmacist may give naloxone to a person at risk of overdose or a pain management clinic, family member, friend, or other person able to help someone experiencing an overdose.
- » Before a pharmacist can give naloxone under a standing order, they must complete a training program approved by the State Board of Pharmacy. It is a good idea to call ahead to make sure any specific pharmacy distributes naloxone under a standing order.
- » Any prescriber who prescribes or issues a standing order, or any prescriber or pharmacist who gives out naloxone, is immune from civil and criminal liability and professional discipline.
- » A person who administers naloxone in good faith to a person experiencing an overdose is immune from civil or criminal penalties, so long as they exercise reasonable care.

Naloxone Standing Order

- » <https://www.mbp.ms.gov/Pages/Naloxone%20Standing%20Order%20Draft%206%20idw%20mmp111717%20wBOP%20comments%20for%20Dr%20%20Byers%20signature%202mg%20EVZIO-2020-2021pdf.pdf>
- » The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose.
- » Two naloxone doses are given at one time, and refills are permitted as needed.

Good Samaritan Law

- » [Miss. Code Ann. § 41-29-149.1](#)
- » A person may not be arrested, charged, or prosecuted with certain types of simple possession or use of a controlled substance or drug paraphernalia so long as the person sought help in good faith for themselves or another person.
- » Any person protected from charges under this law cannot be penalized for violation of a protective or restraining order or for violation of a condition of pretrial release, probation, or parole based on a drug violation. They are also not subject to forfeiture, other than contraband.

- » The person who overdosed has the same protections.

Missouri

Syringe Possession & Distribution

- » [Mo. Ann. Stat. § 579.074](#); [579.040](#)
- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [Mo. Ann. Stat. § 195.010 \(18\)\(k\)](#).
- » The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphernalia that a reasonable person would know will be used to inject a controlled substance into the body is illegal.
- » The use or possession with intent to use drug paraphernalia is a class D misdemeanor, with higher penalties for repeat offenses. [Mo. Ann. Stat. § 579.074 \(2\)](#).
- » Sale or delivery and possession with intent to sell or deliver drug paraphernalia is a class A misdemeanor. [Mo. Ann. Stat. § 579.040 \(1\)](#).
- » Syringe exchange is not authorized in Missouri.

Naloxone Access Law


- » [Mo. Ann. Stat. § 195.206](#); [Mo. Ann. Stat. § 338.205](#)
- » The director of the department of health, if they are a physician, or a licensed physician acting with the consent of the director, may issue a statewide standing order for naloxone.
- » Any pharmacist may give out naloxone under the standing order or a physician protocol, and is immune from criminal or civil liability or professional discipline so long as they act with good faith and reasonable care. A physician who authorizes a protocol also receives this immunity.
- » The physician authorizing the standing order is immune from criminal or civil liability and professional discipline.
- » Any person can possess naloxone.
- » Any person who administers naloxone to a someone suffering from an opioid-related overdose is immune from criminal or civil liability or professional discipline so long as they act with good faith and reasonable care.
- » Pharmacists may give naloxone to anyone they are authorized to give it to under the standing order or protocol. [Mo. Ann. Stat. § 195.206](#).
- » Any person who lawfully receives naloxone may store it and give it out so long as they do it for free.

Naloxone Standing Order

- » <http://pr.mo.gov/boards/pharmacy/NaloxoneStandingOrder.pdf>
- » The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer) or intramuscular naloxone to people who at risk of overdose or a friend, family member, or other person in the position to help in the case of an overdose.
- » The standing order requires that everyone given naloxone must be trained on its use.

Good Samaritan Law

- » [Mo. Ann. Stat. § 195.205](#)

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- » A person who calls for help in good faith for themselves or another person experiencing a drug overdose may not be arrested, charged, prosecuted, or convicted for possession of a controlled substance or imitation controlled substance, possession or use of drug paraphernalia, or public nuisance, so long as the evidence for the charges is discovered as a result of calling for help.
 - » Any person protected from charges under this law cannot be penalized for violation of a protective order or for violation of a condition of probation or parole. They are also not subject to civil forfeiture.
 - » The person who overdosed has the same protections.


Montana

Syringe Possession & Distribution

- » [Mont. Code Ann. § 45-10-103; 45-10-104.](#)
- » The use, possession with intent to use, delivery, and possession with intent to deliver drug paraphernalia is illegal.
- » Anything used, intended to be used, or designed to be used to inject a dangerous drug is drug paraphernalia. [Mont. Code Ann. § 45-10-101\(1\).](#)
- » The use, possession with intent to use, delivery, and possession with intent to deliver drug paraphernalia is a misdemeanor, with higher penalties for delivery or sale to a minor.
- » A person with a first violation of use or possession with intent to use drug paraphernalia is entitled to a punishment that is not imprisonment.
- » The laws regarding syringes do not apply to employees or volunteers of an organization providing syringe exchange services. [Mont. Code Ann. § 45-10-107 \(3\).](#) This law appears to authorize syringe exchange services, but does not appear to provide protection to clients of the exchange from the drug paraphernalia laws.

Naloxone Access Law

- » [Mont. Code Ann. § 50-32-603 et seq.](#)
- » A prescriber may prescribe, directly, by standing order, or by collaborative practice agreement, and give naloxone to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose, in addition to first responders, state crime labs, probation/parole officers, harm reduction organizations, public health officials, and veterans' service organizations.
- » A prescriber, pharmacist, and any eligible recipients may distribute naloxone if they provide basic instruction. Eligible recipients must also train their employees on use, storage, and maintenance of the naloxone to be distributed.
- » A person who administers lawfully acquired naloxone and has received basic instruction may possess, store, and distribute naloxone to an eligible recipient. They may also, in good faith, administer naloxone to a person experiencing an overdose.
- » Any prescriber, pharmacist, or eligible recipient is immune from civil or criminal liability or disciplinary action for lawfully prescribing, dispensing, or distributing naloxone, so long as there was no gross negligence, willful or wanton misconduct, or intentional tort.

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- » A person is not liable for disciplinary action for administering naloxone, so long as there was no gross negligence, willful or wanton misconduct, or intentional tort.

Naloxone Standing Order

- » <https://dphhs.mt.gov/Portals/85/publichealth/documents/EMSTS/opioids/2019-Naloxone%20Standing%20Order.pdf?ver=2019-06-11-154909-540>
- » The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer) and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose, in addition to first responders, state crime labs, probation/parole officers, harm reduction organizations, public health officials, and veterans' service organizations.

Good Samaritan Law

- » [Mont. Code Ann. § 50-32-609](#)
- » A person may not be arrested, charged, or prosecuted with certain types of possession of a dangerous drug or drug paraphernalia so long as the person sought help in good faith for another person experiencing a drug overdose and the evidence for the violation was discovered as a result of calling for help.
- » Any person protected under this law cannot be penalized for a violation of a protective order or for a violation of a condition of pretrial release, probation, furlough, supervised release, or parole based on a drug violation.
- » Calling for help for a drug overdose may be used as a mitigating factor in a criminal prosecution other than the crimes granted immunity.
- » The law also provides protections for pregnant women seeking or receiving help for a substance use disorder.
- » The person who overdosed has the same protections.

Nebraska

Syringe Possession & Distribution

- » [Neb. Rev. Stat. Ann. § 28-441](#)
- » The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphernalia to inject controlled substances is illegal. [Neb. Rev. Stat. Ann. § 28-441 \(1\)](#); [28-442\(1\)](#).
- » Syringes are considered drug paraphernalia. [Neb. Rev. Stat. Ann. § 28-439 \(3\)](#).
- » Use or possession with intent to use drug paraphernalia is an infraction. [Neb. Rev. Stat. Ann. § 28-441\(2\)](#).
- » Delivery or possession with intent to deliver drug paraphernalia is a class II misdemeanor, with higher penalties for delivery to a minor. [Neb. Rev. Stat. Ann. § 28-442\(3\)](#); [28-443](#).
- » The delivery statute does not apply to pharmacy employees who sell syringes for the prevention of the spread of infectious diseases.
- » Syringe exchange is not authorized in Nebraska.



Naloxone Access Law

- » [Neb. Rev. Stat. Ann. § 28-470](#)
- » A health professional who is authorized to prescribe or dispense naloxone, if acting with reasonable care, may prescribe, administer, or dispense naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. The health professional is immune from administrative action or criminal prosecution.
- » A person, other than an emergency responder, who lawfully gets naloxone is immune from administrative action or criminal prosecution for administering naloxone.
- » An emergency responder who gets naloxone from their organization and administers naloxone is immune from administrative action or criminal prosecution, and cannot be civilly liable for administering the naloxone so long as there was no willful, wanton, or grossly negligent act.

Naloxone Standing Order

- » <http://dhhs.ne.gov/PublishingImages/Pages/Drug-Overdose-Prevention-Naloxone/Naloxone%20Standing%20Order.pdf>
- » The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio) to individuals.
- » At least two naloxone doses must be dispensed, and refills are permitted as needed.

Good Samaritan Law

- » [Neb. Rev. Stat. Ann. § 28-472](#)
- » A person may not be arrested, charged, or prosecuted with certain types of simple possession or use of a controlled substance or drug paraphernalia so long as the person sought help in good faith for themselves or another person as soon as possible and the evidence for the charge was discovered as a result of calling for help.
- » When calling for another person, the person who calls for help must remain at the scene until EMS or law enforcement arrives and must cooperate with responding parties.
- » The person who overdosed has the same protections.


Nevada

Syringe Possession & Distribution

- » Syringes are explicitly excluded from the drug paraphernalia laws. [Nev. Rev. Stat. Ann. § 453.554\(2\)](#).
- » Some hypodermics are only sold via prescription, but some can be sold without a prescription. [Nev. Rev. Stat. Ann. § 454.480](#).
- » Syringe exchange is authorized in Nevada. [Nev. Rev. Stat. Ann. § 439.985 et seq.](#)
- » It is not a violation of the controlled substances law if a syringe has trace amounts of controlled substances on it, so long as the syringe was obtained at a syringe access site. [Nev. Rev. Stat. § 453.336\(5\)](#).

Naloxone Access Law

- » [Nev. Rev. Stat. Ann. §453C.100](#)

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- » A prescriber may prescribe, directly or by standing order, and give out naloxone, and a pharmacist may give naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose.
 - » A pharmacist may give naloxone under a pharmacy protocol, so long as they complete an educational training program and provide training to the recipients of naloxone. [Nev. Rev. Stat. Ann. § 453C.120.](#)
 - » A person acting under standing order may store and give out naloxone for free. [Nev. Rev. Stat. Ann. § 453C.110.](#)
 - » A person who lawfully prescribes or gives out naloxone is not subject to criminal or civil liability or professional disciplinary action.
 - » A person who administers naloxone in good faith to a person experiencing an overdose is immune from civil or criminal penalties or professional disciplinary action, so long as they exercise reasonable care.

Naloxone Standing Order

- » There does not appear to be a statewide standing order, however, a sample may be found on page 18 of [this document](#). It appears to only authorize Narcan spray.
- » The Southern Nevada Health District has issued a standing order [here](#). It appears to only authorize intranasal naloxone with atomizer.


Good Samaritan Law

- » [Nev. Rev. Stat. Ann. § 453C.150](#)
- » A person who, in good faith, seeks help for a person experiencing a drug overdose, whether themselves or another person, may not be arrested, charged, prosecuted, or convicted, or be subject to forfeiture, for some possession or use of a controlled substance or drug paraphernalia crimes.
- » Seeking help can mean reporting the overdose to law enforcement or EMS, assisting someone else in making a report, giving care to the person experiencing the overdose, or delivering the person experiencing overdose to a medical facility.
- » Any person protected from charges under this law cannot be penalized for violation of a local ordinance similar to the protected crimes in the statute, restraining orders, or a condition of parole or probation, so long as the evidence supporting those violations was found because the person called for help.
- » Calling for help may be used as a mitigating factor in the prosecution of other crimes.
- » The person who overdosed has the same protections.

New Hampshire

Syringe Possession & Distribution

- » While references to syringes or injecting are not found in the drug paraphernalia law, the law still states that any equipment, products, and materials used or intended to be used to “otherwise introduce” a controlled substance into the body is drug paraphernalia. N.H. Rev. Stat. Ann. § 318-B:1 X-a.

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- » Possession of drug paraphernalia is not illegal, but possession of syringes by minors requires a prescription. [N.H. Rev. Stat. Ann. § 318:52-e](#)
 - » Distribution of drug paraphernalia knowing it would be used to “otherwise introduce” controlled substances into the body is illegal. N.H. Rev. Stat. Ann. § 318-B:2 III.
 - » Syringe Services Programs are specifically allowed under [N.H. Rev. Stat. Ann. § 318-B:43](#).

Naloxone Access Law

- » [N.H. Rev. Stat. Ann. § 318-B:15](#)
- » A prescriber may prescribe, directly or by standing order, and give out naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help.
- » A person or organization who receives naloxone from a direct prescription or by standing order may store, possess, give out, and administer naloxone.
- » Any health care professional prescribing or giving out naloxone, or any person giving out or administering naloxone in good faith and with reasonable care is not subject to any criminal or civil liability, or professional discipline.

Naloxone Standing Order

- » <https://www.oplc.nh.gov/medicine/documents/naloxone-standing-order.pdf>
- » The standing order allows pharmacists to give intranasal naloxone via atomizer or intramuscular injection naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help.
- » The pharmacist must give the person seeking naloxone basic training on overdose prevention.
- » Unlimited refills are authorized.


Good Samaritan Law

- » [N.H. Rev. Stat. Ann. § 318-B:28-b](#)
- » It is a defense to a charge of possession of controlled drugs, and a person cannot be arrested, prosecuted, or convicted for that possession, if that person, in good faith and in a timely manner, called for help for themselves or another person experiencing overdose, and that evidence of the charge was discovered because of calling for help.
- » Calling for help includes providing care while the victim is waiting for medical help to arrive.
- » The same protection applies for the person who overdosed.

New Jersey

Syringe Possession & Distribution

- » [N.J. Stat. Ann. § 2C:36-2](#); [2C:36-3](#).
- » While references to syringes or injecting are not found in the drug paraphernalia law, the law still states that any equipment, products, and materials used or intended to be used to “otherwise introduce” a controlled dangerous substance into the body is drug paraphernalia. [N.J. Stat. Ann. § 2C:36-1](#). Additionally, it is illegal to have a syringe in one’s possession unless it is acquired by a valid prescription. [N.J. Stat. Ann. § 2C:36-6](#).
- » It is illegal to use or possess with intent to use, or distribute or possess with intent to distribute, drug paraphernalia. [N.J. Stat. Ann. § 2C:36-2](#); [2C:36-3](#).

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- » Use or possession with intent to use is a disorderly person offense, and distribution or possession with intent to distribute is a crime of the fourth degree, with distribution to a minor being a crime of the third degree. [N.J. Stat. Ann. § 2C:36-2](#); [2C:36-3](#); [2C:36-5](#).
 - » Possession of a syringe by a participant, employee, or volunteer of a syringe access program authorized by law is not a crime, even if the syringes have residual amounts of controlled substances on them. [N.J. Stat. Ann. § 2C:36-6a](#).
 - » It is a petty disorderly offense to throw away a needle without destroying it properly, or if the owner of property allows improperly discarded needles to remain on their property. [N.J. Stat. Ann. § 2C:36-6.1](#).
 - » Pharmacies may sell 10 or fewer syringes without a prescription to an adult over 18 who shows photo ID. [N.J. Stat. Ann. § 2C:36-6.2](#).
 - » Syringe exchange is allowed with local approval. [N.J. Stat. Ann. § 26:5C-28](#).

Naloxone Access Law


- » [N.J. Stat. Ann. § 24:6J-4](#).
- » A healthcare practitioner may prescribe, directly or by standing order, or give naloxone to anyone able to administer the naloxone if the healthcare practitioner is otherwise authorized to prescribe or dispense the medication. A prescriber can prescribe naloxone via a standing order to any emergency medical responder or entity, professional or professional entity, or a school, school district, or school nurse.
- » What an individual or entity may do with the naloxone (distribute, administer, etc.) is dependent on the specific standing order and the law.
- » A prescriber or other health care practitioner who prescribes or dispenses naloxone lawfully is not subject to criminal or civil liability, or professional disciplinary action. [N.J. Stat. Ann. § 24:6J-4\(a\)\(4\)](#)
- » Any person who administers naloxone lawfully is not subject to criminal or civil liability. [N.J. Stat. Ann. § 24:6J-4](#).

Naloxone Standing Order

- » New Jersey does not have a statewide standing order but a standing order will be issued to any licensed pharmacist upon request. A sample standing order can be found here: <https://nj.gov/health/integratedhealth/services-treatment/naloxone.shtml>
- » A pharmacist may give naloxone to anyone able to administer it in an emergency.
- » Authorizes naloxone spray (like Narcan), intranasal naloxone with atomizer, intramuscular naloxone with syringe, intramuscular auto-injector (like Evzio) or any other opioid antidote permitted under the law.

Good Samaritan Law

- » [N.J. Stat. Ann. § 2C:35-30](#)
- » A person who in good faith calls for help for themselves or another person experiencing an overdose is immune from arrest, charge, prosecution and conviction for various controlled substances or drug paraphernalia violations if the evidence was obtained as a result of calling for help.

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- » The person calling for help cannot have their probation or parole revoked as a result of calling for help. However, the person's probation or parole may be modified as a result of calling for help.
 - » These protections also apply to the person who overdosed.

New Mexico

Syringe Possession & Distribution

- » [N.M. Stat. Ann. § 30-31-25.1](#)
- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [N.M. Stat. Ann. § 30-31-2 W.\(11\)](#).
- » It is illegal to use or possess with intent to use paraphernalia to inject a controlled substance into the body; however, a person who has a syringe when they are involved in a harm reduction program is not breaking the law. [N.M. Stat. Ann. § 30-31-25.1 A.](#)
- » It is illegal to deliver or possess with intent to deliver paraphernalia to inject a controlled substance into the body; however, a pharmacist or a person who gives out a syringe when they are employed and working in a harm reduction program is not breaking the law. [N.M. Stat. Ann. § 30-31-25.1 B.](#)
- » Syringe exchange at a harm reduction program is specifically allowed. [NM Statute 24-2-C-4. A.\(1\)](#).

Naloxone Access Law

- » [N.M. Stat. Ann. § 24-23-1](#)
- » A prescriber may prescribe, directly or by standing order, or give out naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help, an employee, volunteer or representative of a registered overdose prevention program, or a first responder.
- » A pharmacist may give naloxone to a person at risk of overdose or a person in a position to help another person at risk or a registered opioid prevention and education program.
- » Pharmacists may prescribe naloxone according to a protocol approved by the state board of pharmacy, after the pharmacist completes training. [N.M. Admin. Code 16.19.26.13](#).
- » A person or registered overdose program that lawfully possesses, stores, gives out or administers naloxone is not subject to civil or criminal liability or professional discipline, so long as they act with reasonable care and without willful, wanton, or reckless behavior.
- » Any person may possess naloxone even if they don't have a prescription for it.
- » Any person acting under a standing order may store or give out naloxone.
- » Any person may administer naloxone if they in good faith believe the other person is experiencing an overdose and they act with reasonable care.

Naloxone Standing Order

- » <https://www.nmhealth.org/publication/view/guide/2128/>
- » The standing order allows pharmacists to give intranasal naloxone spray (like Narcan), intranasal naloxone via atomizer, or intramuscular auto-injection naloxone (like Evzio) to a person at risk of overdose or a person in a position to help someone experiencing an overdose.

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- » The pharmacist must give the person seeking naloxone opioid overdose and naloxone administration education.

Good Samaritan Law

- » [N.M. Stat. Ann. § 30-31-27.1](#)
- » A person who in good faith calls for help for someone experiencing an overdose cannot be arrested, charged, prosecuted, or otherwise penalized (including by civil forfeiture) for a controlled substances or drug paraphernalia crime, or for violating the conditions of a restraining order, probation or parole, if the evidence for the charge was found as a result of calling for help.
- » Calling for help includes reporting an overdose to law enforcement or EMS, or helping the person experiencing the overdose until EMS arrives.
- » Calling for help may be used as a mitigating factor in another criminal prosecution.
- » The same protection applies for the person who overdosed.

New York

Syringe Possession & Distribution

- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [N.Y. Gen. Bus. Law § 850.](#)
- » There is no law against the simple possession of drug paraphernalia in New York. However, [N.Y. Pub. Health Law § 3381](#) and [N.Y. Penal Law § 220.45](#) regulate the possession of syringes. [§220.45](#) makes possession and sale of a syringe a class A misdemeanor, while [§3381](#) authorizes syringe possession pursuant to prescription or by authorized persons, or the possession of 10 or less syringes by adults 18 and over.
- » It is illegal to sell a syringe except pursuant to prescription or to authorized persons, or the sale of 10 or less syringes to adults 18 and over. [N.Y. Pub. Health Law § 3381.](#)
- » It is a violation of the New York General Business Laws to possess with intent to sell, sell, or purchase drug paraphernalia for a drug-related purpose, including injecting controlled substances into the body. [N.Y. Gen. Bus. Law § 851.](#)
- » Syringe exchange is authorized by law. [N.Y. Comp. Codes R. & Regs. tit. 10, § 80.135.](#)

Naloxone Access Law

- » [N.Y. Pub. Health Law § 3309](#)
- » A prescriber may prescribe or give out, directly or by standing order, and a pharmacist may give naloxone to a person at risk of overdose, or a family member, friend or other person in a position to help a person experiencing an overdose, or an organization registered as an opioid overdose prevention program.
- » Any person who lawfully receives naloxone may possess, administer, and give out that naloxone.
- » Use of naloxone is considered first aid or emergency treatment for liability purposes, and a person or entity who uses naloxone, other than a medical professional, is immune from criminal, civil, or administrative liability.



Naloxone Standing Order

- » New York does not have a statewide standing order, but pharmacies can give out naloxone under individual standing orders. [New York City](#) does have a city-wide standing order and protocol.

Good Samaritan Law

- » [N.Y. Penal Law § 220.78](#)
- » A person who in good faith calls for help for someone experiencing an overdose cannot be charged or prosecuted for possession of a controlled substance, and cannot be charged or prosecuted for possession of drug paraphernalia.
- » Calling for help is an affirmative defense to the sale of controlled substances in limited circumstances.
- » The same protection applies for the person who overdosed.


North Carolina

Syringe Possession & Distribution

- » [N.C. Gen. Stat. Ann. § 90-113.22](#); [N.C. Gen. Stat. Ann. § 90-113.23](#).
- » Syringes are drug paraphernalia when used to inject controlled substances into the body. [N.C. Gen. Stat. Ann. § 90-113.21\(a\)\(11\)](#).
- » It is illegal to use, possess with intent to use, deliver, or possess with intent to deliver drug paraphernalia to inject a controlled substance into the body.
- » Use, possession with intent to use, delivery, or possession with intent to deliver drug paraphernalia is a class 1 misdemeanor. Delivery of paraphernalia to a minor is class I felony.
- » If a person in possession of a syringe alerts law enforcement before the officer conducts a search, the person will not be charged or prosecuted for possession of drug paraphernalia or for residual amounts of controlled substances in the needle.
- » Syringe exchange is allowed by law. [N.C. Gen. Stat. Ann. § 90-113.27](#).
- » Employees, volunteers, and participants in syringe exchange programs will not be charged with or prosecuted for possession of needles or other injection supplies or residual amounts of controlled substances on the supplies. [N.C. Gen. Stat. Ann. § 90-113.27\(c\)](#).

Naloxone Access Law

- » [N.C. Gen. Stat. Ann. § 90-12.7](#)
- » A prescriber may, in good faith and with reasonable care, prescribe naloxone directly or by standing order to a person at risk of overdose or a family member, friend, or other person in a position to help a person at risk of overdose.
- » A prescriber may also prescribe naloxone to law enforcement agencies or organizations that promote harm reduction so that those agencies and organizations can then give naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help a person at risk of overdose.
- » The State Health Director may issue a statewide standing order for naloxone.
- » A pharmacist may give naloxone to a person at risk of overdose or a family member, friend, or other person in a position to help a person at risk of overdose, or an agency or organization.

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- » Agencies and organizations may give out naloxone so long as they include basic instruction and information on overdose.
 - » Anyone who lawfully obtains naloxone may administer it, using reasonable care, to a person experiencing a drug-related overdose.
 - » A practitioner who prescribes, a pharmacist who gives out, or a person who administers naloxone, or the state health director issuing a standing order, or any agency or organization giving out naloxone, is immune from civil or criminal liability.

Naloxone Standing Order

- » <https://www.naloxonesaves.org/files/2019/01/2018-Standing-Order.pdf>
- » Allows pharmacists to give intranasal naloxone atomizer or spray (like Narcan) or intramuscular naloxone with syringe to people at risk of overdose or their family, friends, or others who may be in a position to help.
- » The person getting the naloxone must be given overdose information.


Good Samaritan Law

- » [N.C. Gen. Stat. Ann. § 90-96.2](#)
- » A person who, acting in good faith, calls for help for another person experiencing a drug-related overdose and
 - Reasonably believes they are the first person to call for help
 - Provides their own name to emergency personnel
 - Did not call for help during the execution of a warrant or other lawful searchis immune from prosecution for certain controlled substances crimes or possession or use of drug paraphernalia, so long as the evidence for the charge was discovered because the person called for help.
- » The person who calls for help cannot be subject to arrest or revocation of pretrial release, probation, parole, or post-release; however, the person's probation officer may still drug test the person on pretrial release, probation, or parole.
- » These protections and restrictions also apply to the person who overdosed.

North Dakota

Syringe Possession & Distribution

- » [N.D. Cent. Code Ann. § 19-03.4-03](#); [N.D. Cent. Code Ann. § 19-03.4-04](#)
- » Syringes are drug paraphernalia when used to inject controlled substances into the body. [N.D. Cent. Code Ann. § 19-03.4-01\(11\)](#).
- » It is illegal to use or possess with intent to use, or deliver or possess with intent to deliver, drug paraphernalia.
- » Use or possession with intent to use drug paraphernalia to inject controlled substances is a class A misdemeanor, with higher penalties for repeat offenses. [N.D. Cent. Code Ann. § 19-03.4-03\(2\)](#).
- » Delivery or possession with intent to deliver drug paraphernalia is a class C felony if the paraphernalia will be used to inject a controlled substance, with higher penalties for delivery to a minor. [N.D. Cent. Code Ann. § 19-03.4-04](#); [N.D. Cent. Code Ann. § 19-03.4-05](#).

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- » Syringe exchange is authorized by law. [N.D. Cent. Code Ann. § 23-01-44.](#)
 - » Syringes collected by a syringe exchange are not drug paraphernalia and residue in collected syringes is not a violation of the law against possession of a controlled substance. [N.D. Cent. Code Ann. § 23-01-44\(7\).](#)

Naloxone Access Law

- » [N.D. Cent. Code Ann. § 23-01-42](#); [N.D. Admin. Code 61-04-12-02](#)
- » A health care professional may in good faith, directly or by standing order, prescribe or give out naloxone if they provide training to a person at risk of overdose or a family member, friend, or other person in a position to help someone experiencing overdose, and those people may possess naloxone.
- » A person acting in good faith may self-administer or administer naloxone to someone else experiencing an overdose, whether or not that person is the one who was prescribed or given naloxone by a health care professional.
- » Anyone who prescribes, gives out, receives, possesses, or administers naloxone is immune from civil and criminal liability. Healthcare professionals are also immune from disciplinary action. These immunities only apply if the person did not act with recklessness, gross negligence, or intentional misconduct.
- » A pharmacist may prescribe naloxone according to a protocol developed by the board of health. [N.D. Admin. Code 61-04-12-02.](#)

Naloxone Standing Order

- » North Dakota does not appear to have a statewide standing order.


Good Samaritan Law

- » [N.D. Cent. Code Ann. § 19-03.1-23.4](#)
- » A person who, in good faith, calls for help for another person experiencing an overdose is immune from certain charges if:
 - They remain on the scene until emergency personnel arrive
 - They cooperate with emergency personnel
 - The person experiencing overdose must have been in a condition where a reasonable person would believe they needed medical assistance
 - The evidence for the charges was found because the person called for help
- » The caller is immune from charge and prosecution for drug possession or use, paraphernalia possession or use, inhalation of certain substances, or sharing controlled substances with others at the scene.
- » These protections and restrictions also apply to the person who overdosed.

Ohio

Syringe Possession & Distribution

- » [Ohio Rev. Code § 2925.12](#); [2925.14](#)
- » It is a misdemeanor to use or possess with purpose to use, or sell or possess with purpose to sell, drug paraphernalia under [Ohio Rev. Code 2925.14.](#)


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- » Syringes are also considered “drug abuse instruments” under [Ohio Rev. Code § 2925.12](#). Possession of “drug abuse instruments” is a misdemeanor of the second degree, with higher penalties if the person has previously been convicted of a drug abuse offense.
 - » Ohio law authorizes “bloodborne infectious disease prevention programs.” [Ohio Rev. Code § 3707.57](#). Participants in the program cannot be charged with possession of paraphernalia, “drug abuse instruments,” or “criminal tools,” so long as they have documentation that they are involved with the program and are within 1000 feet of the program. People who work or volunteer for the program have immunity from the same charges while they are on duty. People who work or volunteer for the program also cannot be prosecuted for violating the law against giving hypodermics to another person. [Ohio Rev. Code § 3719.172](#).

Naloxone Access Law

- » [Ohio Rev. Code 4731.94](#), [Ohio Rev. Code § 4729.44](#), [Ohio Rev. Code 2925.61](#), [Ohio Rev. Code 4729.514](#).
- » A prescriber may give naloxone directly or prescribe naloxone without examination to a family member, friend, or other person in a position to help a person at risk of overdose. The prescriber must provide instruction on calling for help, and has civil, criminal, and professional disciplinary immunity for any act of the person who used the naloxone.
- » A pharmacist may distribute naloxone without a prescription under a protocol to an individual at risk of overdose or a family member, friend, or other person in a position to help. Pharmacists must provide in-person and written training to the person seeking naloxone. Pharmacists have civil, criminal, and professional disciplinary immunity for any act of the person who used the naloxone if the pharmacist acted in good faith.
- » A service entity, which includes churches, schools, health departments, treatment providers, homeless shelters, correctional facilities, and other entities, may receive naloxone, and a service entity’s employees, volunteers, or contractors are not liable for civil or criminal damages or subject to professional discipline for keeping, giving out, or using naloxone.
- » A person who gets naloxone from a physician, a person authorized by a physician or board of health, or a pharmacist, cannot be charged with practicing medicine without a license if they administer the naloxone in good faith to a person experiencing overdose and call for emergency help.

Naloxone Standing Order

- » Ohio does not have a standing order; instead, each pharmacy must have a physician-approved protocol in order to distribute naloxone without a prescription. A sample protocol can be found here:
<https://pharmacy.ohio.gov/Documents/Pubs/Naloxone/Pharmacist/Sample%20Naloxone%20Dispensing%20Protocol%20for%20Pharmacies.pdf>
- » Information about the protocol process can be found here:
<https://www.pharmacy.ohio.gov/Documents/Pubs/Naloxone/Pharmacist/Guidance%20Document%20-%20Dispensing%20of%20Naloxone%20without%20a%20Prescription.pdf>
- » [Ohio Rev. Code § 4731.942](#); [Ohio Rev. Code § 3707.56](#)
- » A prescriber may authorize one or more pharmacists or interns to give out naloxone.
- » County boards of health may authorize, through a physician acting as medical director, all pharmacists in the county to give out naloxone via protocol.

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- » Not every pharmacy may have a protocol, so it is best to call ahead.
 - » The law does not specify which formulations can be distributed; this depends on the language in each individual protocol.

Good Samaritan Law

- » [Ohio Rev. Code § 2925.11\(B\)\(2\)](#)
- » A person not on community control or post-release control, acting in good faith, who calls for help for themselves or a person experiencing an overdose cannot be arrested, charged, prosecuted, convicted, or penalized for a minor drug possession or use offense if:
 - The evidence supporting the charge was discovered because the person called for help
 - The person is screened and receives a referral to a treatment provider within 30 days of the call for help, and can document that screening and referral if asked
- » If the person who is seeking immunity is in violation of a community control sanction or post-release control because they sought help or experienced overdose, the court must consider ordering drug treatment before deciding how to proceed with the person's sentencing.
- » These protections do not apply to any person who has already received the immunity two times.
- » These protections and restrictions also apply to the person who overdosed.

Oregon

Syringe Possession & Distribution

- » Oregon does not criminalize the possession of drug paraphernalia.
- » It is illegal, punishable by a civil fine, to sell or deliver, or possess with intent to sell or deliver, drug paraphernalia that is used to inject a controlled substance into the body; however, syringes are specifically excluded from the law. [Or. Rev. Stat. Ann. § 475.525\(3\)](#).
- » There is no state law explicitly permitting needle exchange; however, there are no penalties for possession or delivery of syringes, and there are SSPs in the state.

Naloxone Access Law

- » [Or. Rev. Stat. Ann. § 689.681](#); [689.682](#).
- » A pharmacy, health care professional, or pharmacist with prescribing and dispensing privileges, or any other person designated by the state board of pharmacy may give out and administer naloxone, and give out the supplies needed to administer naloxone.
- » Pharmacies, health care professionals, and pharmacists may also distribute kits to social service agencies or other people who work with people who have experienced drug overdose, and those agencies and people may redistribute the naloxone kits to people likely to experience overdose or to their family members.
- » A person acting in good faith and without wanton misconduct is immune from civil liability for giving out or administering naloxone.

Naloxone Standing Order

- » Oregon does not have a statewide standing order, but allows pharmacist prescribing.



Good Samaritan Law

- » [Or. Rev. Stat. Ann. § 475.898](#)
- » A person who calls for help may not be arrested or prosecuted for possession of drugs, paraphernalia with intent to deliver, frequenting a place where drugs are being used, or arrested on an existing warrant for any of these crimes, if the evidence for the arrest was found because the person called for help.
- » A person who calls for help may not be arrested for violating conditions of pretrial release, probation, post-prison supervision, or parole if the violation is based on any of the above crimes, if the evidence for the arrest was found because the person called for help. [Or. Rev. Stat. Ann. § 475.898\(4\)](#).
- » The person who overdosed has the same protections.

Oklahoma

Syringe Possession & Distribution

- » [Okla. Stat. Ann. tit. 63, § 2-405](#).
- » Syringes are drug paraphernalia when used, intended for use, or created for use in injecting controlled substances into the body. [Okla. Stat. Ann. tit. 63, § 2-101 \(36\)\(k\)](#).
- » Use, delivery, sale, or possession of drug paraphernalia used to inject controlled substances into the body is illegal. [Okla. Stat. Ann. tit. 63, § 2-405 \(B-D\)](#).
- » All of these crimes are misdemeanors, with higher penalties for repeat offenses or delivery or sale of drug paraphernalia to minors.
- » Syringe exchange is not authorized.

Naloxone Access Law


- » [Okla. Stat. Ann. tit. 63, § 1-2506.2](#); [Okla. Stat. Ann. tit. 63, § 2-312.2](#)
- » A provider may prescribe naloxone to a person to use when a family member is experiencing an overdose.
- » The provider must provide basic instruction when prescribing to a family member.
- » Naloxone (Narcan or a generic equivalent) may be prescribed by a pharmacist. [Okla. Stat. Ann. tit. 63, § 2-312.2](#)
- » Pharmacists may prescribe and give naloxone to any person at risk of experiencing an overdose, family or friends of an at-risk person, or a first responder. [Okla. Admin. Code 535:10-9-15](#).
- » Providers prescribing or administering naloxone, and family members administering naloxone, are covered under the Good Samaritan Act, which provides limited civil immunity. [Okla. Stat. Ann. tit. 76, § 5 \(2\)](#).

Naloxone Standing Order

- » Oklahoma has no standing order; however pharmacists may prescribe and give naloxone.

Good Samaritan Law

- » [Okla. Stat. Ann. tit. 63, § 2-413.1](#)
- » If a “peace officer” reasonably believes that a person:

- 
- Called for help for someone who needed medical help due to using a controlled substance
 - Provided their full name and other relevant info to the peace officer
 - Remained at the scene with the person who needed help
 - Cooperated with emergency personnel at the scene
- then that person shall not be taken into custody and is immune from prosecution for certain drug possession crimes and paraphernalia possession crimes.
- » There appears to be no protection for the person who overdosed.

Pennsylvania

Syringe Possession & Distribution


- » [35 Pa. Cons. Stat. § 780-113](#)
- » Syringes are drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the human body. [35 Pa. Cons. Stat. § 780-102](#).
- » Use or possession with intent to use drug paraphernalia and delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia is a misdemeanor, with higher penalties if the recipient is a minor 3 or more years younger than the person delivering the paraphernalia.
- » There is no state law permitting needle exchange; however, local communities have authorized exchanges.

Naloxone Access Law

- » [35 Pa. Cons. Stat. § 780-113.8](#)
- » A prescriber may prescribe naloxone, directly or by standing order, to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. Law enforcement and fire companies may also obtain naloxone and administer naloxone if they complete training.
- » A health care professional who prescribes or gives out naloxone in good faith is not subject to criminal or civil liability or professional discipline for prescribing or giving out naloxone or any future use of the naloxone unless the professional acts with intent to harm or with reckless indifference to harm.
- » A person or law enforcement or fire company, acting in good faith and with reasonable care, who administers naloxone to a person suffering an overdose has civil and criminal immunity and is not subject to professional review. Receiving training on the use of naloxone is considered evidence that a person acted with reasonable care, but is not required to receive immunity.

Naloxone Standing Order

- » <https://www.health.pa.gov/topics/Documents/Opioids/General%20Public%20Standing%20Order.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are



a friend, family member, or other person in the position to help in the case of an overdose. Refills are allowed.

Good Samaritan Law

- » [35 Pa. Cons. Stat. § 780-113.7](#)
- » A person may not be charged or prosecuted with various drug and paraphernalia possession or paraphernalia delivery crimes, or with a violation of probation or parole if:
 - The evidence for the offense was discovered because the person transported someone experiencing an overdose to law enforcement or a health care facility; or
 - The person called for help in good faith for a drug overdose, provided their own name and location and cooperated with law enforcement and medical personnel, and stayed with the person needing help until help arrived.
- » The person who overdosed has the same protections, only if the person who sought help for them qualifies for immunity.

Rhode Island

Syringe Possession & Distribution

- » Rhode Island does not criminalize possession of drug paraphernalia.
- » It is illegal to deliver, sell, or possess with intent to deliver or sell drug paraphernalia if it will be used to inject drugs, punishable by a fine and/or prison, with higher penalties for delivery to minors. [21 R.I. Gen. Laws Ann. § 21-28.5-2.](#)
- » Syringes or other references to injection are not included in the definition of drug paraphernalia, but the definition does include equipment, products, and materials used to introduce drugs into the body. [21 R.I. Gen. Laws Ann. § 21-28.5-1.](#)
- » Syringe exchange is authorized by law. [21 R.I. Gen. Laws Ann. § 23-11-19.](#)

Naloxone Access Law

- » [216 R.I. Code R. 20-20-5.4](#)
- » A prescriber may prescribe and give out naloxone, and other health care providers licensed to give out naloxone may give it out in good faith, directly or by standing order, to a person the prescriber or other healthcare professional thinks is capable of administering naloxone in an emergency. These people include those at risk of overdose and their family, friends, or other people in a position to help the person experiencing overdose.
- » A health care professional who prescribes or gives out naloxone in good faith is not subject to professional discipline for prescribing or giving it out.
- » A person who administers naloxone for free in the good faith belief that another person is experiencing an overdose is not engaging in the unlicensed practice of medicine and is subject to the immunity granted in the Rhode Island Good Samaritan laws.
- » A prescriber must give out educational materials along with a prescription for naloxone.
- » Anyone may lawfully possess naloxone. [216 R.I. Code R. 20-20-5.4\(P\).](#)
- » A person with an order from a health care professional may store and give out naloxone. [216 R.I. Code R. 20-20-5.4\(N\).](#)



Naloxone Standing Order

- » Rhode Island has not issued a statewide standing order, though standing orders are allowed by law.

Good Samaritan Law

- » [21 R.I. Gen. Laws Ann. § 21-28.9-4](#)
- » A person who in good faith and without malice or intent to defraud, who calls for help for someone experiencing a drug overdose or another drug-related emergency, cannot be charged or prosecuted with drug possession, possession of drug paraphernalia, or operating a drug-involved premises, if the evidence for those charges was found because the person called for help.
- » This immunity also applies to a violation of probation or parole for the same circumstances.
- » Giving first aid or medical assistance may be considered as a mitigating factor in other criminal prosecutions.
- » The person who overdosed has the same protections.

South Carolina

Syringe Possession & Distribution

- » Syringes are not drug paraphernalia under SC law.
- » Syringes may only be sold at retail by pharmacists or assistant pharmacists. [S.C. Code Ann. § 44-53-930](#)
- » Syringe exchange should be allowed, because there is no law prohibiting possession or delivery of syringes.

Naloxone Access Law

- » [S.C. Code Ann. § 44-130-30; 40; 50; 70](#)
- » A prescriber may prescribe naloxone to any person at risk of overdose, a caregiver of a person at risk, or a first responder directly or by standing order or protocol. The prescriber must provide basic training to the person at risk or the caregiver. “Caregiver” means a person who isn’t at risk of overdose but may be in a position to assist another person during an overdose.
- » Pharmacists may give naloxone via prescription or standing order or protocol. Any protocol must at least require that the pharmacist provide overdose information, document the transaction, and notify the primary care provider of the person who received the naloxone.
- » A prescriber may also prescribe naloxone, directly or by standing order, to a community distributor. Pharmacists may give naloxone to a community distributor.
- » A prescriber who issues a prescription or standing order for naloxone, or a pharmacist who gives out naloxone, is not civilly or criminally liable, and is not subject to professional discipline, for any use of the naloxone.
- » A person who administers naloxone in good faith to a person experiencing an overdose is immune from civil or criminal penalties, so long as they exercise reasonable care, including receiving basic instruction on how to use naloxone. A first responder is also immune from civil or criminal liability for the administration of naloxone. A community distributor is immune from civil or criminal liability as a result of distribution of naloxone.



Naloxone Standing Order

- » https://lrr.sc.gov/bop/PFORMS/Joint_Naloxone_Protocol.pdf
- » <https://lrr.sc.gov/bop/PFORMS/Naloxone-Joint%20Community%20Distributor%20Naloxone%20Protocol.pdf>
- » There are separate protocols for individuals and community distributors.
- » Both protocols allow pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio).
- » The individual protocol allows pharmacists to give naloxone to persons who voluntarily request naloxone and who are at risk of overdose or are the caregivers of a person at risk of overdose.
- » The community distributor protocol allows pharmacists to give naloxone to a community distributor of services to people at risk of overdose, as approved by the South Carolina Department of Alcohol and Other Drug Abuse Services.

Good Samaritan Law

- » [S.C. Code Ann. § 44-53-1920; 1930](#)
- » A person may not be prosecuted for certain types of possession, use, or delivery of a controlled substance or paraphernalia so long as they sought help in good faith for another person.
- » The protection applies only if:
 - The person reasonably believed he was the first person to call for help;
 - The person remained with the person experiencing the overdose;
 - The person provided their own name to 911 or law enforcement and cooperated with medical or law enforcement help;
 - The evidence for the offense was obtained because the person called for help; and,
 - The person did not seek the help during the execution of a warrant or legal search.
- » The same immunity applies for the person who overdosed, so long as the person who called for help used their own name and fully cooperated with medical and law enforcement personnel.
- » Calling for help may be used as a mitigating factor in other prosecutions.
- » Immunity is not guaranteed for the caller if they had previously sought immunity under the law.

South Dakota

Syringe Possession & Distribution

- » [S.D. Codified Laws § 22-42A-3; 4.](#)
- » Syringes are drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the human body. [S.D. Codified Laws § 22-42A-1\(9\).](#)
- » Use or possession with intent to use drug paraphernalia is a class 2 misdemeanor. [S.D. Codified Laws § 22-42A-3.](#)
- » Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia is a class 6 felony. [S.D. Codified Laws § 22-42A-4.](#)
- » Needle exchange is not authorized by law.



Naloxone Access Law

- » [S.D. Codified Laws §§ 34-20a-104 – 08.](#)
- » A prescriber may prescribe naloxone, directly or by standing order, to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. [S.D. Codified Laws § 34-20A-105.](#)
- » Any family member, friend, or other person able to help may possess, give out, and administer naloxone if it is lawfully acquired. [S.D. Codified Laws § 34-20A-104.](#)
- » A health care professional who prescribes or gives out naloxone has immunity from civil, criminal, and disciplinary actions. [S.D. Codified Laws § 34-20A-106.](#)
- » First responders operating under a standing order may possess and administer naloxone if they first receive training. [S.D. Codified Laws § 34-20A-98;](#) [34-20A-101.](#)
- » First responders, and physicians who issue a standing order to first responders, are not civilly liable for any outcome of the administration of naloxone.

Naloxone Standing Order

- » <https://www.avoidopioidsd.com/wp-content/uploads/2020/10/South-Dakota-Statewide-Standing-Order.pdf>
- » The standing order allows pharmacists to give out naloxone to anyone at risk of overdose or a family member, friend, or close third party to a person at risk.
- » Allows pharmacists to give out prepackaged nasal spray (like Narcan), intramuscular naloxone with syringes, or auto-injector naloxone (like Evzio).

Good Samaritan Law

- » [S.D. Codified Laws § 34-20A-109—113](#)
- » A person may not be arrested or prosecuted for drug use or possession if:
 - The person called for help for another person experiencing a drug overdose.
 - The person cooperated with law enforcement and medical personnel
 - The person stayed with the person needing help until help arrived
 - The evidence for the charge was found because the person called for help
- » The person calling for help, either for themselves or others, can only receive this immunity one time. [S.D. Codified Laws § 34-20A-113.](#)
- » There appears to be no immunity for the person who overdosed, unless they called for help for themselves. A person who calls for help for themselves qualifies for immunity so long as the evidence was found as a result of them calling for help; they don't need to cooperate with responders and do the other things that a person who calls for help for someone else must do to get immunity.
- » Giving first aid (but not necessarily just calling for help) may be used as a mitigating factor in other prosecutions.



Tennessee

Syringe Possession & Distribution


- » Tenn. [Code Ann. § 39-17-425](#)
- » It is illegal to use or possess with intent to use drug paraphernalia in the state of Tennessee.
- » Syringes are considered drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the body. [Tenn. Code Ann. § 39-17-402](#).
- » Use or possession with intent to use drug paraphernalia is a class A misdemeanor.
- » Delivery of or possession with intent to deliver drug paraphernalia is class E felony.
- » Employees, volunteers, and participants in a syringe exchange program may possess syringes or other injection supplies that they got from or are returning to an established syringe exchange (including controlled substance residue), but only with written verification that the supplies came from the exchange. For participants, the exception only applies while the person is engaged in the exchange or going to or from the program. [Tenn. Code Ann. § 68-1-136\(c\)](#).

Naloxone Access Law

- » [Tenn. Code Ann. § 63-1-152](#)
- » A prescriber may prescribe, directly or by standing order, naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose.
- » The prescriber may, but does not need to, require a written explanation of why the person seeking naloxone needs it, either as an individual at risk of overdose or as a family member, friend, or in the position to help someone at risk of overdose.
- » A licensed healthcare provider who prescribes or gives out naloxone, in good faith and with reasonable care, is immune from civil liability so long as they did not act with gross negligence or willful misconduct, and is immune from professional discipline for prescribing, dispensing, or administering naloxone.
- » A person who administers naloxone in good faith to a person experiencing an overdose is immune from civil penalties, so long as they exercise reasonable care and are not acting with gross negligence or willful misconduct. Evidence of reasonable care includes receiving basic instruction on how to use naloxone.

Naloxone Standing Order

- » https://www.tn.gov/content/dam/tn/health/documents/opioid_response/TDH_Naloxone_Collaborative_practice.pdf
- » Tennessee doesn't have a statewide standing order, but it does have a statewide collaborative practice agreement that works like a standing order. The collaborative practice agreement permits pharmacists to give intramuscular naloxone, auto-injector naloxone (like Evzio), and intranasal naloxone (either Narcan spray or generic atomizer), to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose. It also permits pharmacists to give naloxone to certain agencies or organizations.
- » Pharmacists must provide basic training on using naloxone.

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- » Because this agreement requires pharmacies to opt-in, check with the pharmacy before attempting to get naloxone to see if they participate.

Good Samaritan Law

- » [Tenn. Code Ann. § 63-1-156](#)
- » Any person who acts in good faith and calls for medical help for themselves or someone they think is experiencing an overdose cannot be arrested, charged, or prosecuted with simple possession or casual exchange of drugs or possession of drug paraphernalia if the only reason the police knew of the offense was because that person sought medical help.
- » Any person protected from charges under this law also cannot be penalized for violation of a protective or restraining order or for violation of a condition of pretrial release, probation, or parole based on a drug violation.
- » Providing first aid to a person experiencing an overdose can be used as a mitigating factor in another prosecution, but it is unclear whether “providing first aid” includes simply calling for help.
- » This immunity also applies to the person who overdosed, but only one time.


Texas

Syringe Possession & Distribution

- » [Tex. Health & Safety Code Ann. § 481.125](#)
- » Syringes are drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the human body. [Tex. Health & Safety Code Ann. § 481.002 \(17\)\(k\)](#).
- » Use or possession with intent to use drug paraphernalia is a class C misdemeanor. [Tex. Health & Safety Code Ann. § 481.125\(a\); \(d\)](#).
- » Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia is a class A misdemeanor, with higher penalties if the recipient is a minor 3 or more years younger than the person delivering the paraphernalia or for repeat offenses. [Tex. Health & Safety Code Ann. § 481.125\(b\); \(e—f\)](#).
- » Syringe exchange is not authorized by law.

Naloxone Access Law

- » [Tex. Health & Safety Code Ann. § 483.101](#) et seq.
- » A prescriber may prescribe naloxone, directly or by standing order, to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. [Tex. Health & Safety Code Ann. § 483.102](#).
- » A pharmacist may give out naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. [Tex. Health & Safety Code Ann. § 483.103](#).
- » A prescriber or pharmacist, acting in good faith and with reasonable care, is not subject to criminal or civil liability or professional discipline for prescribing or giving out naloxone or any future use of the naloxone. [Tex. Health & Safety Code Ann. § 483.102 – 103](#).
- » A person or organization acting under a standing order may store and give out naloxone for free. [Tex. Health & Safety Code Ann. § 483.104](#).

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- » Any person may possess naloxone, even if they don't have a prescription for it. [Tex. Health & Safety Code Ann. § 483.105](#).
 - » A person who, in good faith and with reasonable care, administers (or chooses not to administer) naloxone to a person experiencing an overdose is not subject to criminal prosecution, civil liability, or professional licensing sanction. [Tex. Health & Safety Code Ann. § 483.106](#).

Naloxone Standing Order

- » Texas does not have a statewide standing order; pharmacists must complete a training before receiving a standing order.
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer) and intramuscular naloxone with syringe, but explicitly excludes auto-injector naloxone (like Evzio).

Good Samaritan Law

- » Texas does not have a drug overdose Good Samaritan law.

Utah

Syringe Possession & Distribution

- » [Utah Code Ann. § 58-37a-5](#)
- » Syringes are drug paraphernalia if used or intended for use in injecting controlled substances into the body. [Utah Code Ann. § 58-37a-3 \(11\)](#).
- » Use or possession with intent to use drug paraphernalia is a class B misdemeanor. [Utah Code Ann. § 58-37a-5\(1\)\(b\)](#).
- » Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia is a class A misdemeanor, with higher penalties if the recipient is a minor 3 or more years younger than the person delivering the paraphernalia.
- » If syringes are in a sealed sterile package, it is not illegal to sell, give out, or possess. [Utah Code Ann. § 58-37a-5\(5\)](#).
- » Syringe exchange is authorized by law. [Utah Code Ann. § 26-7-8](#).

Naloxone Access Law

- » [Utah Code Ann. § 26-55-101](#) et seq.
- » A prescriber may prescribe and dispense naloxone, directly or by standing order, to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose, or to an overdose outreach provider.
- » A prescriber must provide education on how to use naloxone.
- » A pharmacist may give out naloxone under a standing order.
- » An overdose outreach provider may store naloxone and give out naloxone to a family member, friend or other person in a position to help, and must provide overdose education. The overdose outreach provider may also administer naloxone to someone experiencing an overdose.

- » Overdose outreach providers include law enforcement, health departments, drug and alcohol treatment providers, service providers to the homeless, an organization that provides training on naloxone, a school, or any other organization that is not an individual or a health care facility. [Utah Code Ann. § 26-55-107.](#)
- » Prescribers are immune from civil liability for prescribing or administering naloxone so long as they are not acting in the scope of their responsibilities or duty of care. [Utah Code Ann. § 26-55-104.](#)
- » Overdose outreach providers and other people are immune from civil liability for administering naloxone. Overdose outreach providers are also immune from civil liability for giving out naloxone. [Utah Code Ann. § 25-55-104\(1\)\(b\); 26-55-106\(a\)\(c\).](#)

Naloxone Standing Order

- » <https://dopl.utah.gov/docs/NaloxoneStandingOrder.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose.

Good Samaritan Law

- » [Utah Code Ann. § 58-37-8\(16\)](#)
- » It is an affirmative defense to an allegation of drug possession or possession of paraphernalia if:
 - The person calls for help or assists someone calling for help for themselves or another person experiencing an overdose
 - The person provides the location of the overdose and remains at the location with the person experiencing overdose until help arrives
 - The person cooperates with emergency personnel, including providing information on what substance may have caused the overdose
 - The allegation of drug possession or possession of drug paraphernalia is a result of the same events that caused the person to call for help.
- » The affirmative defense does not apply if the medical help is called for during the execution of a legal search.
- » Calling for help is a mitigating factor in prosecution for other crimes. [Utah Code Ann. § 76-3-203.11.](#)
- » The person who overdosed does not appear to have any affirmative defense.

Virginia

Syringe Possession & Distribution

- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [Va. Code Ann. § 18.2-265.1.](#)
- » Simple possession of drug paraphernalia is not illegal, but possession with intent to sell paraphernalia is illegal. However, a separate law makes possession or distribution of “controlled paraphernalia,” including syringes, a class one misdemeanor. This does not

include syringes that are dispensed and possessed with naloxone as part of an organization that provides services to people at risk of overdose. [Va. Code Ann. § 54.1-3466; 3467.](#)

- » Sale or possession with intent to sell drug paraphernalia is a class 1 misdemeanor. Stronger penalties exist when selling to minor at least 3 years the person's junior.
- » Syringe exchange is explicitly authorized under [Va. Code Ann. § 32.1-45.4](#). The crimes of possession of a controlled substance for residual amounts of drugs and possession, sale, or distribution of drug paraphernalia do not apply to people participating in a harm reduction program.

Naloxone Access Law

- » [Va. Code Ann. § 54.1-3408X](#); Y; [Va. Code Ann. § 8.01-225](#)
- » A prescriber may prescribe, directly or by standing order, and pharmacists or other authorized medical personnel may give naloxone to any person. A person who has been given naloxone in this way may possess naloxone and administer naloxone to a person experiencing an overdose.
- » A person acting on behalf of a harm reduction organization may give out naloxone to any person who has received training in using it, but may not charge more than the organization paid for the naloxone. If the organization giving out naloxone wants to give out injectable naloxone that uses a syringe, the person giving out the naloxone must be authorized by the Department of Behavioral Health and Developmental Services on the proper use and disposal of syringes and obtain a controlled substance registration from the Board of Pharmacy.
- » A person who has received naloxone may possess naloxone and may administer naloxone to a person who is experiencing an overdose.
- » Any person who in good faith prescribes, gives out, or uses naloxone in an emergency overdose situation is not liable for civil damages for ordinary negligence, in most cases. [Va. Code Ann. § 8.01-225\(20\);\(21\).](#)

Naloxone Standing Order

- » https://www.vdh.virginia.gov/content/uploads/sites/3/2020/03/2020-Naloxone-Standing-Order-Final-Draft_online-version-.pdf
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), or auto-injector naloxone (like Evzio).

Good Samaritan Law

- » [Va. Code Ann. § 18.2-251.03](#)
- » A person who calls for help in good faith for themselves or another person cannot be arrested or prosecuted for possession of a controlled substance, possession of marijuana, public intoxication, or possession of controlled paraphernalia if:
 - The person remains at the scene until help arrives;
 - The person identifies themselves to law enforcement;
 - The evidence for the offense was collected because the person sought help; and,
 - The call for help was not made during the execution of a warrant or a lawful search or arrest.
- » This immunity also applies to the person who overdosed.



Vermont

Syringe Possession & Distribution

- » [Vt. Stat. Ann. tit. 18, § 4476](#)
- » All equipment, products, devices, and materials are drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the human body. [Vt. Stat. Ann. tit. 18, § 4475](#).
- » Sale of drug paraphernalia to a minor is punishable by imprisonment, fine, or both. [Vt. Stat. Ann. tit. 18, § 4476\(a\)](#).
- » Vermont has no other drug paraphernalia crimes and specifically exempts the distribution and possession of syringes as part of a syringe exchange program. [Vt. Stat. Ann. tit. 18, § 4476\(b\)](#).
- » Syringe exchange is authorized by law. [Vt. Stat. Ann. tit. 18, § 4478](#).

Naloxone Access Law

- » [Vt. Stat. Ann. tit. 18, § 4240](#); [Vt. Stat. Ann. tit. 26, § 2080](#).
- » A prescriber may prescribe, directly or by standing order, and give out naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose, so long as they provide educational materials.
- » A pharmacist may give out naloxone pursuant to a prescription, standing order, or protocol. [Vt. Stat. Ann. tit. 18, § 4240](#); [Vt. Stat. Ann. tit. 26, § 2080](#).
- » A health care professional who prescribes or gives out naloxone in good faith within their scope of practice is not subject to criminal or civil liability for prescribing or giving out naloxone or any future use of the naloxone unless the professional acts with recklessness, gross negligence, or intentional misconduct. [Vt. Stat. Ann. tit. 18, § 4240 \(c\)\(2\)](#).
- » A person is immune from civil or criminal liability for administering naloxone to a person they believe in good faith to be suffering an opioid-related overdose as long as they don't act with recklessness, gross negligence, or intentional misconduct. They are also supposed to call for help, although this does not appear to be required for immunity. [Vt. Stat. Ann. tit. 18, § 4240 \(d\)](#).
- » A person acting on behalf of an overdose prevention program is immune from civil or criminal liability for training people to use naloxone or for buying, receiving, giving out, or possessing naloxone unless the person acts with recklessness, gross negligence, or intentional misconduct. [Vt. Stat. Ann. tit. 18, § 4240 \(e\)](#).

Naloxone Standing Order

- » https://www.healthvermont.gov/sites/default/files/documents/pdf/RESP_Naloxone_standingorder.pdf
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer) to Vermont residents who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose.
- » Naloxone must be distributed with informational materials.

Good Samaritan Law

- » [Vt. Stat. Ann. tit. 18, § 4254](#)

- » A person who calls for help for themselves or another person experiencing an overdose, in good faith and in a timely manner, may not be cited, arrested, or prosecuted for most drug offenses if evidence for the crime was found because the person called for help.
- » The person who calls for help may also not be found in violation of a protection order or any condition of pretrial release, probation, furlough, or parole.
- » The person who calls for help may not be subject to forfeiture, except for obvious contraband.
- » Calling for help will be considered a mitigation factor for any other offense.
- » The person who overdosed has the same protections.

Washington

Syringe Possession & Distribution

- » [Wash. Rev. Code Ann. § 69.50.412](#)
- » Syringes are drug paraphernalia if used, intended for use, or designed for use in injecting controlled substances into the human body. [Wash. Rev. Code Ann. § 69.50.102 \(a\)\(11\)](#).
- » Use, delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia is a misdemeanor, with higher penalties if the recipient is a minor 3 or more years younger than the person delivering the paraphernalia. [Wash. Rev. Code Ann. § 69.50.412 \(1\)—\(3\)](#).
- » Another law prohibits drug paraphernalia from being sold or given, but specifically exempts legal distribution of syringes through pharmacies and public health programs. [Wash. Rev. Code Ann. § 69.50.4121](#).
- » Adult possession of syringes for the purpose of reducing blood-borne disease is allowed. [Wash. Rev. Code Ann. § 69.50.412 \(5\)](#).
- » Syringe exchange is authorized by law. [Wash. Rev. Code Ann. § 69.50.4121 \(3\)](#).

Naloxone Access Law

- » [Wash. Rev. Code Ann. § 69.41.095](#)
- » A prescriber may prescribe and give out naloxone to a person at risk of overdose or a first responder, family member, or other person in a position to help someone experiencing an overdose, either directly or by standing order, collaborative agreement, or protocol. [Wash. Rev. Code Ann. § 69.41.095\(1\)\(a\)](#).
- » The prescriber must tell the person receiving naloxone to call for help when they have administered naloxone. [Wash. Rev. Code Ann. § 69.41.095\(1\)\(b\)](#).
- » The state may issue a standing order. [Wash. Rev. Code Ann. § 69.41.095\(5\)](#).
- » A pharmacist may give out naloxone prescribed, or under a collaborative agreement, standing order, or protocol, if they provide written instructions including telling the recipient to call for help. [Wash. Rev. Code Ann. § 69.41.095\(2\)](#).
- » Any person or entity may possess, store, give out, or administer naloxone prescribed, or under a collaborative agreement, standing order, or protocol. [Wash. Rev. Code Ann. § 69.41.095\(3\)](#).
- » A prescriber who prescribes or gives out naloxone, a pharmacist who gives out naloxone, or a person who possesses, stores, gives out, or administers naloxone is immune from criminal or civil liability or disciplinary action. [Wash. Rev. Code Ann. § 69.41.095\(4\)](#).



Naloxone Standing Order

- » <https://www.doh.wa.gov/Portals/1/Documents/Pubs/150-127-StatewideStandingOrderToDispenseNaloxone.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or in the position to help in the case of an overdose.
- » Pharmacists must provide written instructions with naloxone.

Good Samaritan Law

- » [Wash. Rev. Code Ann. § 69.50.315](#)
- » A person may not be charged or prosecuted for drug possession if they call for help in good faith for a drug overdose, and evidence of drug possession was found because they called for help.
- » Calling for help may be used as a mitigating factor in other prosecutions. [Wash. Rev. Code Ann. § 9.94A.535\(i\)](#).
- » The person who overdosed has the same protections.

Wisconsin

Syringe Possession & Distribution

- » Syringes are excluded from the definition of drug paraphernalia. [Wis. Stat. Ann. § 961.571 \(b\)](#).
- » There is no state law explicitly permitting needle exchange; however, as syringes are not drug paraphernalia, there are no laws that forbid it and there are SSPs operating in Wisconsin.

Naloxone Access Law

- » [Wis. Stat. Ann. § 448.037; 441.18; 450.11\(1i\)](#)
- » A prescriber may prescribe and give out naloxone, directly or by standing order, to a person able to help someone experiencing an overdose, so long as they make sure the person is able to safely administer it and able to teach others how to safely administer it. [Wis. Stat. Ann. § 448.037 \(1\)—\(2\)](#).
- » A prescriber who prescribes or gives out naloxone in good faith is not subject to criminal or civil liability or professional discipline for any outcomes relating to the prescription or distribution of naloxone. [Wis. Stat. Ann. § 448.037 \(3\)](#)
- » A pharmacist may give out naloxone according to prescription or standing order and must provide a consultation to the person receiving naloxone. [Wis. Stat. Ann. § 450.11 \(1i\)\(a\)\(1\)](#).
- » A pharmacist who gives out naloxone in good faith is immune from criminal or civil liability or professional discipline for any result of the distribution of naloxone. [Wis. Stat. Ann. § 450.11 \(1i\)\(a\)\(2\)](#).
- » Any person may possess naloxone, and any layperson may deliver or dispense naloxone. Wis. Stat. Ann. § [450.11\(1i\)\(b\)\(1\)](#).
- » Any person who gives out naloxone in good faith, or administers naloxone to a person they reasonably believe to be experiencing a drug overdose, is immune from criminal or civil liability.



Naloxone Standing Order

- » <https://www.dhs.wisconsin.gov/forms/f01802.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or to another person in the position to help in the case of an overdose.
- » The pharmacist must complete at least one hour of training before giving out naloxone and must give educational materials to the person receiving naloxone.

Good Samaritan Law

- » [Wis. Stat. Ann. § 961.443](#)
- » A person may not be prosecuted for drug or drug paraphernalia possession or possession of a masking agent during an overdose emergency if they help a person who they believe to be experiencing an overdose by either calling for help or transporting the person to help.
- » The person who overdosed does not appear to have the same protections (they did under a previous version of the law, but that law expired July 31, 2020).

West Virginia

Syringe Possession & Distribution

- » Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [W. Va. Code § 47-19-3](#).
- » There are no state laws prohibiting the possession or giving away of syringes. However, sale to minors and sale at certain events and outdoors is prohibited. [W. Va. Code § 47-19-6](#); 8.
- » There is no specific law authorizing or forbidding SSPs.

Naloxone Access Law

- » [W. Va. Code § 16-46-1 et seq.](#)
- » A licensed health care provider may prescribe, directly or by standing order, naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose, or to a health department, law enforcement agency, or a harm reduction organization for the purpose of giving out naloxone to others. W. Va. Code § 16-46-3(a).
- » Harm reduction organizations, health departments, and law enforcement agencies may give out naloxone to a person at risk of overdose or a family member, friend, or other person able to help someone experiencing an overdose. When doing so, they must provide educational materials on opiate-related overdose prevention, treatment programs, and administering naloxone. W. Va. Code § 16-46-3(c).
- » Pharmacists may give out naloxone without a prescription under the state protocol, but must provide training on how to administer naloxone, the importance of calling for medical help immediately, and educational materials. W. Va. Code § 16-46-3a(a).
- » Any prescriber who prescribes or gives out naloxone in good faith is not subject to civil or criminal liability so long as the prescribing was not an act of gross negligence or willful misconduct. W. Va. Code § 16-46-5(a).

- » Any pharmacist who in good faith gives out or refuses to give out naloxone is immune from civil or criminal liability so long as the giving (or not giving) of naloxone was not an act of gross negligence or willful misconduct. W. Va. Code § 16-46-5(e).
- » A person who lawfully receives naloxone may in good faith administer naloxone to a person experiencing an overdose. W. Va. Code § 16-46-3 (d); (e).
- » Any person or organization can possess naloxone with or without a prescription. W. Va. Code § 16-46-3(f).
- » Any person or organization acting in good faith and according to the law is immune from civil or criminal liability. W. Va. Code § 16-46-3(e).
- » Any person who uses naloxone on a person experiencing an overdose must call for additional medical treatment immediately after use. W. Va. Code § 16-46-5(d).

Naloxone Standing Order

- » <https://dhhr.wv.gov/bph/Documents/Standing%20Order%20for%20Naloxone%202018/NaloxonePrescriptionForOverdosePrevention-Dr.Slemp-11.08.2018.pdf>
- » The order permits pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio) to people who are at risk of overdose or are a friend, family member, or other person in the position to help in the case of an overdose.
- » Two naloxone doses are provided at one time.

Good Samaritan Law

- » [W. Va. Code § 16-47-4](#); 5
- » A person who in good faith and in a timely manner seeks help for a person experiencing an overdose may not be held criminally responsible for possession of a controlled substance or public intoxication, provided:
 - The person calling for help remains with the person experiencing overdose;
 - The person identifies themselves if requested; and,
 - The person cooperates with medical personnel or law enforcement.
- » The person calling for help cannot be punished for a violation of pretrial release, probation, furlough, or parole.
- » Calling for help may be used as a mitigating factor in other prosecutions.
- » The person who overdosed does not get this immunity unless they complete a substance abuse treatment or recovery program approved by the court. The court can consider alternative sentencing and clemency options.

Wyoming

Syringe Possession & Distribution

- » Drug paraphernalia is any equipment, product, and materials when used, intended for use, or designed for use to inject controlled substances into the human body. [Wyo. Stat. Ann. § 35-7-1002 \(xxvii\)](#).
- » There are no state laws prohibiting the possession of drug paraphernalia.

- » Delivery or possession with intent to deliver drug paraphernalia is a crime punishable by prison, fine, or both, with higher penalties for delivery to a minor. [Wyo. Stat. Ann. § 35-7-1056; 35-7-1057.](#)
- » There is no law authorizing or forbidding SSPs.

Naloxone Access Law

- » [Wyo. Stat. Ann. § 35-4-901](#) et seq.
- » Practitioners and pharmacists, acting in good faith and with reasonable care, may prescribe naloxone to a person at risk of experiencing an overdose or a person in a position to help someone experiencing an overdose, including a person who may encounter an overdose in their job. [Wyo. Stat. Ann. § 35-4-903 \(a\).](#)
- » The practitioner or pharmacist must provide basic education to the person receiving naloxone. [Wyo. Stat. Ann. § 35-4-903 \(b\).](#)
- » A practitioner may issue a standing order to an entity that establishes a drug overdose treatment program and may be in a position to help someone experiencing an overdose in their official duties. [Wyo. Stat. Ann. § 35-4-904\(a\).](#)
- » A person acting in good faith may administer naloxone to a person who appears to be experiencing an overdose, and is immune from civil or criminal liability. [Wyo. Stat. Ann. § 35-4-906 \(a\)—\(b\).](#)
- » A practitioner or pharmacist who prescribes naloxone is immune from civil or criminal liability, and the prescribing is not unprofessional conduct. [Wyo. Stat. Ann. § 35-4-906 \(c\).](#)
- » An entity that establishes a drug overdose treatment policy is immune from civil or criminal liability. [Wyo. Stat. Ann. § 35-4-906 \(d\).](#)

Naloxone Standing Order

- » Wyoming does not appear to have a statewide standing order.

Good Samaritan Law

- » Wyoming does not have an overdose Good Samaritan law.

This document was developed by Amy Judd Lieberman and Corey Davis at the Network for Public Health Law's Harm Reduction Legal Project (harmreduction@networkforphl.org), with the assistance of Robyn Lin at the University of California, Irvine School of Law and the support of NEXT Distro. The information provided in this document does not constitute legal advice or legal representation. You should always consult with an attorney barred in your state for specific legal advice. This document provides a snapshot of the state of the law as of September 15, 2020.



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