

2025 South Dakota Legislature

House Bill 1141 ENROLLED

An Act

ENTITLED An Act to provide an exception for employers to acquire and distribute opioid antagonists that are available over the counter.

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

Section 1. That § 34-20A-105.1 be AMENDED:

34-20A-105.1. A licensed health care professional may, directly or by standing order, dispense or distribute an opioid antagonist that requires a prescription to an employer.

An employer may acquire and make available on the employer's premises an opioid antagonist that requires a prescription if the employer:

- (1) Develops a protocol for the transport, storage, maintenance, and location of the opioid antagonist;
- (2) Provides training and instruction, developed by the Department of Health and made available on the Department of Health website, to employees or personnel authorized to administer an opioid antagonist on the employer's premises; and
- (3) Prominently posts instructions on the administration of an opioid antagonist and post-administration protocol, if the employer makes it accessible to the public.

The requirements of this section do not apply to an opioid antagonist that is available over the counter. An employer may acquire and distribute an opioid antagonist that is available over the counter to any person.

An employer, employee, or other authorized personnel of an employer may not be held liable for any death, injury, or damage that arises out of the administration of, the self-administration of, or the failure to administer an opioid antagonist, if such action or inaction constitutes ordinary negligence.

An Act to provide an exception for employers to acquire and distribute opioid antagonists that are available over the counter.

I certify that the attached Act originated in the: House as Bill No. 1141	Received at this Executive Office this, 2025 atM.
Chief Clerk	By for the Governor
Speaker of the House Attest:	The attached Act is hereby approved this day of, A.D., 2025
Chief Clerk	Governor STATE OF SOUTH DAKOTA, SS.
President of the Senate Attest:	Office of the Secretary of State Filed, 2025 at o'clockM.
Secretary of the Senate	Secretary of State
House Bill No. <u>1141</u> File No Chapter No	By Asst. Secretary of State