

House Bill 1006

By: Representatives Hugley of the 141st, Williams of the 168th, and Kendrick of the 95th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Public Health, so as to require the inclusion of an opioid antagonist in first aid
3 kits maintained at certain establishments; to provide for definitions; to authorize individuals
4 to possess opioid antagonists on certain premises; to authorize trained personnel to
5 administer opioid antagonists; to provide for immunity; to provide for related matters; to
6 provide for legislative findings; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) The spread of opioid use in our state has created a significant public health crisis;
11 (2) Far too many lives of Georgians have been harmed or even tragically cut short due to
12 the use of these drugs;
13 (3) Increasing the availability of opioid antagonists in our communities is one way to fight
14 this crisis and reduce the incidence of persons overdosing on opioids;
15 (4) During the 2023-2024 legislative session, this body passed legislation which requires
16 opioid antagonists, like Narcan, to be made available in schools and government buildings;

- 17 (5) Opioid use is likely higher in establishments like bars and restaurants than in our
18 schools and government buildings. Consequently, opioid antagonists need to be made
19 more available in such establishments;
- 20 (6) At present, the federal Occupational Safety and Health Administration requires that
21 adequate first aid supplies be available in workplaces, including bars and restaurants; and
22 (7) Opioid antagonists should be included within such supplies.

23 SECTION 2.

24 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
25 of Public Health, is amended by adding a new Code section to read as follows:

26 "31-2A-21.

27 (a) As used in this Code section, the term:

28 (1) 'Alcoholic beverages' means and includes all alcohol, distilled spirits, beer, malt
29 beverages, wine, and fortified wine.

30 (2) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for
31 consumption by guests on the premises and in which the serving of food, if provided, is
32 only incidental to the consumption of those beverages. Such term includes, but is not
33 limited to, taverns, nightclubs, cocktail lounges, and cabarets. Such term also includes
34 an establishment operating as a restaurant or other type of business if such establishment
35 operates as a bar during some portion of its hours of operation.

36 (3) 'Bar employee' means an individual who is employed at a bar in consideration for
37 direct or indirect monetary wages or profit.

38 (4) 'Bar employer' means an individual or a business that employs one or more
39 individuals at a bar.

40 (5) 'Bar personnel' means bar employers and bar employees.

41 (6) 'First aid kit' means a portable collection of medical supplies and equipment designed
42 to provide immediate treatment during certain circumstances.

- 43 (7) 'Individual' means a natural person.
- 44 (8) 'Opioid antagonist' shall have the same meaning as set forth in subsection (a) of Code
45 Section 26-4-116.2.
- 46 (9) 'Opioid related overdose' shall have the same meaning as set forth in subsection (a)
47 of Code Section 26-4-116.2.
- 48 (10) 'Restaurant' means an eating establishment, including, but not limited to, coffee
49 shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives
50 or offers for sale food to the public, guests, or employees, as well as kitchens and catering
51 facilities in which food is prepared on the premises for serving elsewhere.
- 52 (11) 'Restaurant employee' means an individual who is employed at a restaurant in
53 consideration for direct or indirect monetary wages or profit.
- 54 (12) 'Restaurant employer' means an individual or a business that employs one or more
55 individuals at a restaurant.
- 56 (13) 'Restaurant personnel' means restaurant employers and bar employees.
- 57 (b) No individual shall be prohibited from possessing an opioid antagonist on the premises
58 of a bar or restaurant.
- 59 (c) A bar employer or restaurant employer shall acquire and maintain a supply of at least
60 three doses of an opioid antagonist in a secure location on the premises of such bar or
61 restaurant. Such supply shall be maintained within at least one first aid kit and in
62 accordance with the manufacturer's instructions.
- 63 (d) A bar employer or restaurant employer shall establish and implement an internal
64 training and implementation policy for opioid antagonist administration by bar personnel
65 or restaurant personnel, respectively. Each internal training and implementation policy
66 shall:
- 67 (1) Specify the location or locations of the bar's or restaurant's supply of opioid
68 antagonists;
- 69 (2) Show individuals being trained how to administer such opioid antagonist;

- 70 (3) Contain an affirmative statement that any trained individual may administer an opioid
71 antagonist to any person whom the trained individual believes in good faith to be
72 experiencing an opioid related overdose;
- 73 (4) Contain the following statement: 'Georgia law provides that any trained individual
74 shall be immune from civil liability or criminal prosecution for any good faith act or
75 omission to act in the emergency administration of an opioid antagonist to a person
76 believed to be having an opioid related overdose.'; and
- 77 (5) Include such other statements or requirements as may be determined to be necessary
78 by the department and promulgated through regulation.
- 79 (e) A bar employer or restaurant employer shall ensure that at least one member of the bar
80 personnel or restaurant personnel who received training pursuant to subsection (d) of this
81 Code section is on site when the bar or restaurant is open to the public.
- 82 (f) Bar personnel or restaurant personnel who receive training pursuant to subsection (d)
83 of this Code section shall be immune from civil liability and criminal prosecution for any
84 good faith act or omission to act in the emergency administration of an opioid antagonist.
85 Good faith shall not include willful misconduct, gross negligence, or recklessness."

86 **SECTION 3.**

87 All laws and parts of laws in conflict with this Act are repealed.