

ORDINANCE NO. \_\_\_\_\_

BILL NO. 47 (2024)

A BILL FOR AN ORDINANCE REQUIRING CERTAIN BUSINESSES TO  
MAINTAIN NALOXONE ON THEIR PREMISES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to promote public health, safety, and welfare by enhancing access to naloxone.

Naloxone is an opioid antagonist approved by the United States Food and Drug Administration, designed to block or reverse the effects of opioids. Timely administration of naloxone, usually within minutes of the first signs of an opioid overdose, can counter the overdose effects by restoring breath to unconscious overdose victims.

The chance of an overdose can drastically increase when opioids are combined with alcohol. Accordingly, establishments licensed to serve alcohol are high-risk locations for opioid overdoses.

According to the State Department of Health, from August 2017 to August 2018, there were 384 opioid overdoses, and fifty-nine were fatal. In 2020, the number of opioid-related deaths increased to 274.

In Act 154, Session Laws of Hawai'i 2018, the Legislature cited studies that have found that "providing opioid overdose training and naloxone kits can help people identify signs of an opioid-related drug overdose and can help reduce opioid overdose mortality." Moreover, Chapter 329E, Hawai'i Revised Statutes,

the Overdose Prevention and Emergency Response Act, provides certain protections for a person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person believed to be suffering an opioid-related drug overdose.

SECTION 2. Title 5, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“Chapter 5.32**

**NALOXONE AT CERTAIN LICENSED LIQUOR  
ESTABLISHMENTS**

Sections:

5.32.010	Definitions.
5.32.020	Naloxone required on premises; administration of naloxone.
5.32.030	Employee training.
5.32.040	Protection from liability.
5.32.050	Administration of chapter.
5.32.060	Penalty.

**5.32.010 Definitions.** In this chapter, unless the context requires otherwise:

“Licensed liquor establishment” means a business licensed by the liquor control commission that is included in one or more of the following classes under section 281-31, Hawai‘i Revised Statutes:

1. Class 2 - Restaurant license.
2. Class 5 - Dispenser license.
3. Class 9 - Tour or cruise vessel license.
4. Class 11 - Cabaret license.
5. Class 14 - Brewpub license.
6. Class 18 - Small craft producer pub license.

“Manager” means the “employee approved by the director” for a licensed premises under section 08-101-70 of the rules governing the manufacture and sale of intoxicating liquor of the County of Maui, or any successor rule, who is in active charge of the premises during all times that the premises is open for business.

“Opioid-related drug overdose” means a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the

consumption or use of an opioid or another substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

**5.32.020 Naloxone required on premises; administration of naloxone.** A. Each licensed liquor establishment must:

1. Maintain a minimum of two doses of naloxone on premises.
2. Ensure that any naloxone maintained on premises is stored in accordance with manufacturer guidelines.
3. Replace any doses of naloxone that are past the expiration date set by the manufacturer.

B. The naloxone may be administered to a person to reverse the effects of an opioid-related drug overdose.

**5.32.030 Employee training.** All managers of a licensed liquor establishment must be trained in the proper administration of naloxone. The council may appropriate funds from the liquor education fund for this purpose.

**5.32.040 Protection from liability.** Any person who provides or administers naloxone to someone the person believes to be suffering an opioid-related drug overdose is subject to protection from liability under section 329E-2(d), Hawai'i Revised Statutes, if the person acts in good faith and with reasonable care in administering the naloxone.

**5.32.050 Administration of chapter.** The liquor control commission must administer this chapter.

**5.32.060 Penalty.** Any licensed liquor establishment violating this chapter is subject to a fine as set in the annual budget. Nothing in this chapter prohibits the liquor control commission from enforcing its own rules."

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE

Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui

LF2024-0177

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Shane M. Sinenci", written over a horizontal line.

SHANE M. SINENCI