

TRIBAL CODE

CHAPTER 46

**WIIDOOKAAGE
(Helping One Another)**

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HISTORY NOTE:

Current Ordinance:

Resolution No. 2016-186, adopted July 26, 2016, adopts Tribal Code Chapter 46: Wiidookaage (Helping One Another), effective July 26, 2016.

Prior Ordinances:

Amendments:

Tribal Code

CHAPTER 46:

WIIDOOKAAGE

(Helping One Another)

46.01 Purpose and Authority.

The purpose of this Chapter is to clarify that neither criminal nor civil liability shall attach to the well-intended actions of a person attempting to render emergency medical assistance to a person in trouble.

46.02 Scope.

This Chapter shall apply in any criminal or civil action brought in Tribal Court, or in any criminal or civil action brought for actions undertaken within the jurisdiction of the Sault Ste. Marie Tribe of Chippewa Indians.

46.03 Definitions.

For purposes of this Chapter, certain terms are defined in this Section. When not inconsistent with the context, words used in this present tense include the future, words in the singular number, include the plural number, words in the plural include words in the singular, and words in the masculine gender include the feminine gender. The word shall is always mandatory and not merely directory.

(1) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

(2) "Opioid-related overdose" means a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a layperson would reasonably believe to be an opioid-related overdose that requires medical assistance..

46.04 Prescribing, possessing, or dispensing opioid antagonist; liability.

(1) Notwithstanding any provision of law to the contrary, a prescriber may issue a prescription for and a dispensing prescriber or pharmacist may dispense an opioid antagonist to any of the following:

- (a) An individual patient at risk of experiencing an opioid-related overdose.
- (b) A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.
- (c) A person other than an individual that meets all of the following requirements:
 - (i) Acts at the direction of the prescriber or dispensing prescriber.
 - (ii) Upon receipt of an opioid antagonist, stores the opioid antagonist in compliance with this part.
 - (iii) Dispenses or administers an opioid antagonist under a valid prescription issued to an individual or a patient.
 - (iv) Performs the requirements under this subsection without charge or compensation.
- (d) Any law enforcement officer, jail administration personnel, probation officer, medical or emergency medical personnel, court employee, or legal department personnel who may come in contact with persons at risk for overdose in the performance of their duties.

(2) When issuing a prescription for or dispensing an opioid antagonist as authorized under this section to a person other than a patient, the prescriber, dispensing prescriber, or pharmacist, as appropriate, shall insert the name of the person as the name of the patient.

(3) Notwithstanding any provision of this act to the contrary, a person that is acting in good faith and with reasonable care may possess and dispense an opioid antagonist.

(4) A prescriber who issues a prescription for or a dispensing prescriber or pharmacist who dispenses an opioid antagonist as authorized under this section is not liable in a civil action for a properly stored and dispensed opioid antagonist that was a proximate cause of injury or death to an individual due to the administration of or failure to administer the opioid antagonist.

46.05 Wiidookaage, Cardiopulmonary Resuscitation; Defibrillators, First Aid, and Naloxone, liability of good faith volunteers.

(1) An individual who having no duty to do so in good faith voluntarily renders

cardiopulmonary resuscitation to another individual is not liable in a civil action for damages resulting from an act or omission in rendering the cardiopulmonary resuscitation, except an act or omission that constitutes gross negligence or willful and wanton misconduct.

(2) An individual who having no duty to do so in good faith voluntarily renders emergency services to another individual using an automated external defibrillator is not liable in a civil action for damages resulting from an act or omission in rendering the emergency services using the automated external defibrillator, except an act or omission that constitutes gross negligence or willful and wanton misconduct.

(3) An individual who having no duty to do so in good faith voluntarily renders emergency services to another individual using reasonable first aid techniques is not liable in a civil action for damages resulting from an act or omission in rendering the first aid services using the automated external defibrillator, except an act or omission that constitutes gross negligence or willful and wanton misconduct.

(4) An individual who in good faith believes that another individual is suffering the immediate effects of an opioid-related overdose and who administers an opioid antagonist to the other individual is not liable in a civil action for damages resulting from the administration.

(5) Additionally, the following persons are not liable in a civil action for damages resulting from an act or omission of an individual rendering any of the emergency services enumerated above, except if the person's actions constitute gross negligence or willful and wanton misconduct:

(a) A physician who provides medical authorization for use of any of the emergency services enumerated above.

(b) An individual who instructs others in the use of any of the emergency services enumerated above.

(c) An individual or entity that owns, occupies, or manages the premises where any of the emergency services enumerated above is administered or used.

(d) An individual or entity that owns, occupies, or manages the premises where any of the tools or devices for emergency services enumerated above is kept, or maintained for use in emergencies.

(6) The immunity afforded under this Chapter 46 shall extend both to the individuals, and to any entity employing or in charge of such individual under any theory of “respondeat superior” or similar legal principles.