

An Act

ENROLLED SENATE
BILL NO. 1740

By: Gollihare of the Senate

and

Boatman and Swope of the
House

An Act relating to substance abuse services; amending 63 O.S. 2021, Sections 1-2506.1 and 1-2506.2, as amended by Section 1, Chapter 74, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-2506.2), which relate to administration of opioid antagonists; defining terms; making certain terminology uniform; clarifying applicability of certain liability protections; amending 76 O.S. 2021, Section 5, which relates to the Good Samaritan Act; broadening applicability of certain liability protections; defining term; updating statutory language and references; making language gender neutral; and declaring an emergency.

SUBJECT: Substance abuse services

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-2506.1, is amended to read as follows:

Section 1-2506.1. A. As used in this section:

1. "Certified alcohol and drug counselor" means any person who is not exempt pursuant to the provisions of Section 1872 of Title 59 of the Oklahoma Statutes and is not licensed under the Licensed Alcohol and Drug Counselors Act, but who provides alcohol and drug counseling services within the scope of practice while employed by an entity certified by the Department of Mental Health and Substance

Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor. A certified alcohol and drug counselor may provide counseling services for co-occurring disorders if he or she has been certified by the Board to provide counseling as provided in this section for co-occurring disorders;

2. "Emergency opioid antagonist" means a drug including, but not limited to, naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose;

3. "Licensed alcohol and drug counselor" means any person who provides alcohol and drug counseling services within the scope of practice, including co-occurring disorders, for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "~~licensed alcohol and drug counselor~~" licensed alcohol and drug counselor shall not include those professions exempted by Section 1872 of Title 59 of the Oklahoma Statutes; and

~~3.~~ 4. "Medical personnel at schools" means a certified school nurse or any other nurse employed by or under contract with a school, any licensed practitioner of the healing arts, or any person designated by the school administration to administer an ~~opiate~~ emergency opioid antagonist in the event of a suspected overdose pursuant to ~~Section 2 of this act~~ Section 1210.242 of Title 70 of the Oklahoma Statutes.

B. First responders shall have the authority to administer, without prescription, ~~opiate~~ emergency opioid antagonists when encountering an individual exhibiting signs of an ~~opiate~~ opioid overdose.

C. First responders may provide, without prescription, ~~opiate~~ emergency opioid antagonists to individuals who have experienced or witnessed an ~~opiate~~ opioid overdose for use by those individuals at a later date.

D. For the purposes of this ~~provision~~ section, a first responder shall include:

1. Law enforcement officials;

2. Emergency medical technicians;

3. Firefighters;

4. Medical personnel at schools including any public or charter schools, technology center schools and institutions of higher education;

5. Forensic laboratory personnel of the Oklahoma State Bureau of Investigation as designated by the ~~Executive~~ Director;

6. Personnel of the Department of Corrections or of any entity that contracts with the Department of Corrections to provide housing or services for inmates of the Department of Corrections; and

7. Certified alcohol and drug counselors and licensed alcohol and drug counselors.

E. Any first responder ~~administering or providing an opiate antagonist~~ who administers or provides an emergency opioid antagonist in good faith and in a manner consistent with addressing opiate opioid overdose shall be covered under the Good Samaritan Act not be liable for any civil damages as a result of any acts or omissions by such first responder except for committing gross negligence or willful wanton wrongs in administering or providing such emergency opioid antagonist.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-2506.2, as amended by Section 1, Chapter 74, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-2506.2), is amended to read as follows:

Section 1-2506.2. A. As used in this section, "emergency opioid antagonist" means a drug including, but not limited to, naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

B. Upon request, a provider may prescribe an emergency opioid antagonist to an individual for use by that individual when encountering a family member exhibiting signs of an opioid overdose.

~~B.~~ C. When an emergency opioid antagonist is prescribed in accordance with ~~subsection A~~ subsection B of this section, the provider shall provide:

1. Information on how to spot symptoms of an overdose;
2. Instruction in basic resuscitation techniques;
3. Instruction on proper emergency opioid antagonist administration; and
4. The importance of calling ~~nine-one-one (911)~~ 9-1-1 for help.

~~C.~~ D. Any family member ~~administering an~~ who administers an emergency opioid antagonist in good faith and in a manner consistent with addressing opioid overdose shall be covered under the Good Samaritan Act not be liable for any civil damages as a result of any acts or omissions by such family member in administering such emergency opioid antagonist.

~~D.~~ E. Any provider ~~prescribing or administering~~ who prescribes or administers an opioid antagonist in good faith and in a manner consistent with addressing opioid overdose shall be covered under the Good Samaritan Act not be liable for any civil damages as a result of any acts or omissions by such provider except for committing gross negligence or willful wanton wrongs in prescribing or administering such emergency opioid antagonist.

SECTION 3. AMENDATORY 76 O.S. 2021, Section 5, is amended to read as follows:

Section 5. ~~(a)~~ A. Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself, and except as hereinafter provided.

~~(1)~~ 1. Where no prior contractual relationship exists, any person licensed to practice any method of treatment of human ailments, disease, pain, injury, deformity, mental or physical condition, or licensed to render services ancillary thereto, including licensed registered and practical nurses, who, under emergency circumstances that suggest the giving of aid is the only alternative to probable death or serious bodily injury, in good faith, voluntarily and without compensation, renders or attempts to render emergency care to an injured person or any person who is in need of immediate medical aid, wherever required, shall not be liable for damages as a result of any acts or omissions except for committing gross negligence or willful or wanton wrongs in rendering the emergency care.

~~(2)~~ 2. Where no prior contractual relationship exists, any person who in good faith renders or attempts to render emergency care consisting of artificial respiration, restoration of breathing, use of an emergency opioid antagonist to prevent opioid overdose, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency, wherever required, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care. As used in this paragraph, "emergency opioid antagonist" means a drug including, but not limited to, naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

~~(3)~~ 3. Where no prior contractual relationship exists, any person licensed to perform surgery or dentistry in this state who in good faith renders emergency care requiring the performance of an operation or other form of surgery upon any individual who was the victim of an accidental act shall not be liable for any civil damages or subject to criminal prosecution as the result of nonconsent whereby such person renders or attempts to render the emergency surgery or operation voluntarily and without compensation, wherever required, except for gross negligence or willful or wanton wrongs committed in rendering the care; provided, however, that the exemption granted by this subsection shall not attach if the victim is an adult who is conscious and capable of giving or refusing his or her consent; or if the victim's spouse, or parent, or guardian in the case of a minor or incompetent person, can be reached in a

reasonable time considering the condition of the victim and consistent with good medical practice, and unless concurrence is obtained for such emergency surgery or operation from one other person licensed to perform surgery in this state.

~~(4)~~ 4. Where no contractual relationship exists, any person, or any member of his or her immediate family or household, who has been approved by the local P.T.A. or other local sponsoring agency or organization, who has registered with the local municipal police chief or the county sheriff, and who has been granted appropriate authorization by either the police chief or the county sheriff to indicate by sign in the window of his or her home or in any other tangible or identifiable manner that he or she will extend aid and refuge to persons on the streets in apparent danger, or in need of aid, by inviting those persons into the person's home, or onto premises thereof, and in good faith provides such refuge or aid without objection of the endangered or needy person, whether child or adult, neither the person extending the aid and refuge nor the homeowner or head of household shall be liable for civil damages as a result of actions or omissions in rendering emergency physical care to the body of the aided person; nor shall they be liable for civil damages for any other injury in the home, or on premises thereof, to the person aided, nor for any failure to provide or arrange for his or her police protection or other protection or medical treatment, when the actions or omissions were those of an ordinarily reasonably prudent person under the circumstances without want of ordinary care or skill.

~~(b)~~ B. This ~~act~~ section shall be known and may be cited as the "Good Samaritan Act-".

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 5th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____