

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 711

By: Rosino of the Senate

and

6 Boatman of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to substance abuse services; defining  
11 term; requiring the Department of Mental Health and  
12 Substance Abuse Services to provide emergency opioid  
13 antagonists to the Department of Corrections and  
14 county jails subject to certain condition; requiring  
15 the Department of Mental Health and Substance Abuse  
16 Services to prepare and provide opioid overdose  
17 education program; describing program; amending 57  
18 O.S. 2021, Section 4.1, which relates to prisons and  
19 reformatories; requiring the Department of  
20 Corrections and county jails to provide emergency  
21 opioid antagonists to certain persons upon discharge  
22 subject to certain condition; authorizing stocking  
23 and provision of emergency opioid antagonists;  
24 requiring provision of opioid overdose education  
program to certain persons; providing certain  
construction; providing for codification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2-401.1 of Title 43A, unless  
there is created a duplication in numbering, reads as follows:

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

5       B. Subject to allocation of federal funding for the purchase of  
6 emergency opioid antagonists, the Department of Mental Health and  
7 Substance Abuse Services shall provide emergency opioid antagonists  
8 to the Department of Corrections and to county jails for the purpose  
9 of implementing Section 2 of this act.

10       C. The Department of Mental Health and Substance Abuse Services  
11 shall prepare and provide an opioid overdose education program to  
12 the Department of Corrections and to county jails for the purpose of  
13 implementing Section 2 of this act. The education program shall:

14       1. Conform to guidelines of the Substance Abuse and Mental  
15 Health Services Administration for opioid overdose education;

16       2. Explain the causes of an opioid overdose;

17       3. Instruct when and how to administer in accordance with  
18 medical best practices:

19           a. life-saving rescue techniques, and

20           b. an emergency opioid antagonist;

21       4. Explain how to contact appropriate emergency medical  
22 services; and

23       5. Provide information on how to access emergency opioid  
24 antagonists.

1 SECTION 2. AMENDATORY 57 O.S. 2021, Section 4.1, is  
2 amended to read as follows:

3 Section 4.1. A. In addition to other medical and health care  
4 services required by a jail facility as may be provided by rule by  
5 the State Department of Health, the person responsible for  
6 administration for a jail shall administer medications according to  
7 the following:

8 1. Prescription medications shall be provided to the prisoner  
9 as directed by a physician or designated medical authority. The  
10 prisoner shall be observed to ensure the prisoner takes the  
11 medication. The physician or designated medical authority shall be  
12 particularly aware through his or her training of the impact of  
13 opiate or methadone withdrawal symptoms that may occur in regard to  
14 the mental and physical health of the prisoner. The physician or  
15 medical authority shall prescribe and administer appropriate  
16 medications to the prisoner pursuant to Section 5-204 of Title 43A  
17 of the Oklahoma Statutes as the medical authority deems appropriate  
18 to address those symptoms. Neither prescription nor over-the-  
19 counter medications shall be kept by a prisoner in a cell with the  
20 exception of prescribed nitroglycerin tablets and prescription  
21 inhalers. Over-the-counter medications shall not be administered  
22 without a physician's approval unless using prepackaged medications;

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1        2. Medical reception information shall be recorded on a printed  
2 screening form approved by the physician or designated medical  
3 authority which shall include inquiry into:

- 4            a. current illnesses and health problems including
- 5                            medications taken and any special health requirements,
- 6            b. behavioral observation, including state of
- 7                            consciousness and mental status,
- 8            c. body deformities and trauma markings such as bruises,
- 9                            lesions, jaundice, and ease of body movement,
- 10           d. condition of skin and visible body orifices, including
- 11                            infestations, and
- 12           e. disposition or referral of prisoners to qualified
- 13                            medical personnel on an emergency basis; and

14        3. For purposes of this section, "physician or other licensed  
15 medical personnel" means a psychiatrist, medical doctor, osteopathic  
16 physician, physician's assistant, registered nurse, licensed  
17 practical nurse, emergency medical technician at the paramedical  
18 level or clinical nurse specialist.

19        B. 1. Subject to the provision of emergency opioid antagonists  
20 by the Department of Mental Health and Substance Abuse Services  
21 under Section 1 of this act:

- 22            a. the Department of Corrections, upon the discharge of
- 23                            an inmate from an institution within the Department
- 24                            who has been diagnosed with an opioid use disorder,

1 regardless of whether that inmate has received  
2 treatment for the disorder, shall provide the inmate,  
3 as the inmate leaves the institution, with two doses  
4 of an emergency opioid antagonist, and

5 b. a county jail:

6 (1) upon the discharge of any person who is confined  
7 in the jail pursuant to a sentence who has been  
8 diagnosed with an opioid use disorder, regardless  
9 of whether that person has received treatment for  
10 the disorder, or

11 (2) upon the discharge of any person who is confined  
12 in the jail for an offense related to possession  
13 of an opioid drug other than:

14 (a) a person who is confined in the jail  
15 pursuant to a sentence, or

16 (b) a person who is being transferred to the  
17 custody of the Department of Corrections,

18 shall provide the person, as the person leaves the  
19 jail, with two doses of an emergency opioid  
20 antagonist.

21 2. Notwithstanding the provision of emergency opioid  
22 antagonists by the Department of Mental Health and Substance Abuse  
23 Services as provided by Section 1 of this act, the Department of  
24 Corrections and county jails may stock and provide emergency opioid

1 antagonists to inmates or persons upon discharge from the  
2 institution or jail as described in paragraph 1 of this subsection.

3 3. Before the Department of Corrections or a county jail  
4 provides an emergency opioid antagonist to an inmate or person as  
5 described in paragraph 1 or 2 of this subsection, the Department of  
6 Corrections or the jail shall ensure that the inmate or person is  
7 provided with the opioid overdose education program provided by the  
8 Department of Mental Health and Substance Abuse Services under  
9 Section 1 of this act.

10 4. Nothing in this subsection is intended to abrogate or  
11 supersede any existing authority of the Department of Corrections or  
12 a county jail to administer an emergency opioid antagonist to a  
13 person experiencing an opioid overdose.

14 SECTION 3. This act shall become effective November 1, 2023.

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