

An Act

ENROLLED SENATE
BILL NO. 711

By: Rosino of the Senate

and

Boatman of the House

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

SUBJECT: Substance abuse services

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:

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

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

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

2. Explain the causes of an opioid overdose;

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

a. life-saving rescue techniques, and

b. an emergency opioid antagonist;

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

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

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

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

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

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

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

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

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

a. the Department of Corrections, upon the discharge of an inmate from an institution within the Department who has been diagnosed with an opioid use disorder, regardless of whether that inmate has received treatment for the disorder, shall provide the inmate, as the inmate leaves the institution, with two doses of an emergency opioid antagonist, and

b. a county jail:

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

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

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

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

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

2. Notwithstanding the provision of emergency opioid antagonists by the Department of Mental Health and Substance Abuse Services as provided by Section 1 of this act, the Department of Corrections and county jails may stock and provide emergency opioid antagonists to inmates or persons upon discharge from the institution or jail as described in paragraph 1 of this subsection.

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

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

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

Passed the Senate the 8th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

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: _____