

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 85

6 By: McCortney of the Senate

7 and

8 McEntire and Bush of the
9 House

10 COMMITTEE SUBSTITUTE

11 An Act relating to opiate antagonists; amending
12 Section 1, Chapter 322, O.S.L. 2013, as amended by
13 Section 1, Chapter 36, O.S.L. 2017 (63 O.S. Supp.
14 2018, Section 1-2506.1), which relates to
15 administration of opiate antagonists; modifying
16 personnel considered first responders; providing
17 definitions; authorizing certain personnel to
18 administer opiate antagonist; providing for certain
19 training; allowing administration to authorize any
20 person to administer opiate antagonist under certain
21 circumstances; providing certain legal protections;
22 providing for codification; providing an effective
23 date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 322, O.S.L.
2013, as amended by Section 1, Chapter 36, O.S.L. 2017 (63 O.S.
Supp. 2018, Section 1-2506.1), is amended to read as follows:

Section 1-2506.1 A. First responders shall have the authority
to administer, without prescription, opiate antagonists when

1 encountering an individual exhibiting signs of an opiate overdose.

2 For the purposes of this provision, a first responder shall include:

3 1. Law enforcement officials;

4 2. Emergency medical technicians;

5 3. Firefighters;

6 4. Medical personnel at ~~secondary~~ schools including any public

7 or charter schools, technology center schools and institutions of

8 higher education; ~~and~~

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

11 6. Certified alcohol and drug counselors and licensed alcohol
12 and drug counselors.

13 B. As used in this section:

14 1. "Medical personnel at schools" means a certified school
15 nurse or any other nurse employed by or under contract with a
16 school, any licensed practitioner of the healing arts, or any person
17 designated by the school administration to administer an opiate
18 antagonist in the event of a suspected overdose pursuant to Section
19 2 of this act;

20 2. "Certified alcohol and drug counselor" means any person who
21 is not exempt pursuant to the provisions of Section 1872 of Title 59
22 of the Oklahoma Statutes and is not licensed under the Licensed
23 Alcohol and Drug Counselors Act, but who provides alcohol and drug
24 counseling services within the scope of practice while employed by

1 an entity certified by the Department of Mental Health and Substance
2 Abuse Services, or who is exempt from such certification, or who is
3 under the supervision of a person recognized by the Oklahoma Board
4 of Licensed Alcohol and Drug Counselors as a supervisor. A
5 certified alcohol and drug counselor may provide counseling services
6 for co-occurring disorders if he or she has been certified by the
7 Board to provide counseling as provided in this section for co-
8 occurring disorders; and

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

16 C. Any first responder administering an opiate antagonist in a
17 manner consistent with addressing opiate overdose shall be covered
18 under the Good Samaritan Act.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1210.242 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Any school nurse, public health nurse, licensed practitioner
23 of the healing arts, nurse working under contract with a school
24 district or any person designated by the school administration to

1 administer an opiate antagonist in the event of a suspected overdose
2 is authorized to administer an opiate antagonist when encountering a
3 student or other individual exhibiting signs of an opiate overdose.

4 B. The administration of a public school may authorize one or
5 more persons employed by the school to receive training offered by
6 the Department of Mental Health and Substance Abuse Services, a law
7 enforcement agency or any other entity in recognizing the signs of
8 an opiate overdose and administering an opiate antagonist. Persons
9 designated to receive this training may include, but are not limited
10 to, the certified and noncertified staff members required to receive
11 annual training in cardiopulmonary resuscitation and the Heimlich
12 maneuver under Section 1210.199 of Title 70 of the Oklahoma
13 Statutes. If in-person training is not readily available in the
14 area, the person or persons designated under this provision may
15 access opiate antagonist training materials available online through
16 the State Department of Health or another entity. Such training
17 shall include information on how to spot symptoms of an overdose,
18 instruction in basic resuscitation techniques, instruction on proper
19 administration of an opiate antagonist and the importance of calling
20 911 for help.

21 C. In the absence of the person or persons specifically
22 designated and trained to administer an opiate antagonist under the
23 provisions of this section, the administration of a school may
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1 authorize any person to administer an opiate antagonist to a student
2 or other individual exhibiting signs of an overdose.

3 D. Any person administering an opiate antagonist to a student
4 or other individual at a school site or school-sponsored event in a
5 manner consistent with addressing opiate overdose shall be covered
6 under the Good Samaritan Act. A school and any of its employees or
7 designees shall be immune from civil liability in relation to the
8 administration of an opiate antagonist in the event of a suspected
9 overdose.

10 SECTION 3. This act shall become effective July 1, 2019.

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

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