

An Act

ENROLLED SENATE
BILL NO. 85

By: McCortney and Sharp of the
Senate

and

McEntire, Bush and Lawson
of the House

An Act relating to opiate antagonists; amending Section 1, Chapter 322, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-2506.1), as last amended by Section 1 of Enrolled House Bill No. 2519 of the 1st Session of the 57th Oklahoma Legislature, which relates to administration of opiate antagonists; defining terms; modifying personnel considered first responders; authorizing certain personnel to administer opiate antagonist; providing for certain training; allowing administration to authorize any person to administer opiate antagonist under certain circumstances; providing certain legal protections; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Opiate antagonists

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

SECTION 1. AMENDATORY Section 1, Chapter 322, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-2506.1), as last amended by Section 1 of Enrolled House Bill No. 2519 of the 1st Session of the 57th Oklahoma Legislature, 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. "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" shall not include those professions exempted by Section 1872 of Title 59 of the Oklahoma Statutes; and

3. "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 antagonist in the event of a suspected overdose pursuant to Section 2 of this act.

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

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

~~C.~~ D. For the purposes of this provision, 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; ~~and~~

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.

~~D.~~ E. Any first responder administering or providing an opiate antagonist in a manner consistent with addressing opiate overdose shall be covered under the Good Samaritan Act.

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

A. Any school nurse, public health nurse, licensed practitioner of the healing arts, nurse working under contract with a school district or any person designated by the school administration to administer an opiate antagonist in the event of a suspected overdose is authorized to administer an opiate antagonist when encountering a student or other individual exhibiting signs of an opiate overdose.

B. The administration of a public school may authorize one or more persons employed by the school to receive training offered by the Department of Mental Health and Substance Abuse Services, a law enforcement agency or any other entity in recognizing the signs of an opiate overdose and administering an opiate antagonist. Persons designated to receive this training may include, but are not limited to, the certified and noncertified staff members required to receive annual training in cardiopulmonary resuscitation and the Heimlich

maneuver under Section 1210.199 of Title 70 of the Oklahoma Statutes. If in-person training is not readily available in the area, the person or persons designated under this provision may access opiate antagonist training materials available online through the State Department of Health or another entity. Such training shall include information on how to spot symptoms of an overdose, instruction in basic resuscitation techniques, instruction on proper administration of an opiate antagonist and the importance of calling 911 for help.

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

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

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

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 22nd day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2019.

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: _____