

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 7, 2019

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 85

By: McCortney of the Senate and McEntire et al of the House


Title: Opiate antagonists; authorizing certain personnel to administer opiate antagonist. Effective date. Emergency.

_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:


1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,


SENATE CONFEREES:




McCortney




Smalley




Coleman



Rosino



Hicks



Young

HOUSE CONFEREES:

Conference Committee on GCCA

Senate Action _____ Date _____ House Action _____ Date _____

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1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 85

6 By: McCortney of the Senate

7 and

8 McEntire, Bush and Lawson
9 of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to opiate antagonists; amending
12 Section 1, Chapter 322, O.S.L. 2013 (63 O.S. Supp.
13 2018, Section 1-2506.1), as last amended by Section 1
14 of Enrolled House Bill No. 2519 of the 1st Session of
15 the 57th Oklahoma Legislature, which relates to
16 administration of opiate antagonists; defining terms;
17 modifying personnel considered first responders;
18 authorizing certain personnel to administer opiate
19 antagonist; providing for certain training; allowing
20 administration to authorize any person to administer
21 opiate antagonist under certain circumstances;
22 providing certain legal protections; providing for
23 codification; providing an effective date; and
24 declaring an emergency.

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 1. "Certified alcohol and drug counselor" means any person who
2 is not exempt pursuant to the provisions of Section 1872 of Title 59
3 of the Oklahoma Statutes and is not licensed under the Licensed
4 Alcohol and Drug Counselors Act, but who provides alcohol and drug
5 counseling services within the scope of practice while employed by
6 an entity certified by the Department of Mental Health and Substance
7 Abuse Services, or who is exempt from such certification, or who is
8 under the supervision of a person recognized by the Oklahoma Board
9 of Licensed Alcohol and Drug Counselors as a supervisor. A
10 certified alcohol and drug counselor may provide counseling services
11 for co-occurring disorders if he or she has been certified by the
12 Board to provide counseling as provided in this section for co-
13 occurring disorders;

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

21 3. "Medical personnel at schools" means a certified school
22 nurse or any other nurse employed by or under contract with a
23 school, any licensed practitioner of the healing arts, or any person
24 designated by the school administration to administer an opiate

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

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

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

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

- 11 1. Law enforcement officials;
- 12 2. Emergency medical technicians;
- 13 3. Firefighters;
- 14 4. Medical personnel at schools including any public or charter
15 schools, technology center schools and institutions of higher
16 education;
- 17 5. Forensic laboratory personnel of the Oklahoma State Bureau
18 of Investigation as designated by the Executive Director; ~~and~~
- 19 6. Personnel of the Department of Corrections or of any entity
20 that contracts with the Department of Corrections to provide housing
21 or services for inmates of the Department of Corrections; and
- 22 7. Certified alcohol and drug counselors and licensed alcohol
23 and drug counselors.

24

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

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

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

13 B. The administration of a public school may authorize one or
14 more persons employed by the school to receive training offered by
15 the Department of Mental Health and Substance Abuse Services, a law
16 enforcement agency or any other entity in recognizing the signs of
17 an opiate overdose and administering an opiate antagonist. Persons
18 designated to receive this training may include, but are not limited
19 to, the certified and noncertified staff members required to receive
20 annual training in cardiopulmonary resuscitation and the Heimlich
21 maneuver under Section 1210.199 of Title 70 of the Oklahoma
22 Statutes. If in-person training is not readily available in the
23 area, the person or persons designated under this provision may
24 access opiate antagonist training materials available online through

1 the State Department of Health or another entity. Such training
2 shall include information on how to spot symptoms of an overdose,
3 instruction in basic resuscitation techniques, instruction on proper
4 administration of an opiate antagonist and the importance of calling
5 911 for help.

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

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

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

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

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