

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 85

By: McCortney of the Senate

and

McEntire and Bush of the
House

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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.

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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:

1 Section 1-2506.1 A. First responders shall have the authority
2 to administer, without prescription, opiate antagonists when
3 encountering an individual exhibiting signs of an opiate overdose.
4 For the purposes of this provision, a first responder shall include:

- 5 1. Law enforcement officials;
- 6 2. Emergency medical technicians;
- 7 3. Firefighters;
- 8 4. Medical personnel at ~~secondary~~ schools including any public
9 or charter schools, technology center schools and institutions of
10 higher education; ~~and~~
- 11 5. Forensic laboratory personnel of the Oklahoma State Bureau
12 of Investigation as designated by the Executive Director; and
- 13 6. Certified alcohol and drug counselors and licensed alcohol
14 and drug counselors.

15 B. As used in this section:

- 16 1. "Medical personnel at schools" means a certified school
17 nurse or any other nurse employed by or under contract with a
18 school, any licensed practitioner of the healing arts, or any person
19 designated by the school administration to administer an opiate
20 antagonist in the event of a suspected overdose pursuant to Section
21 2 of this act;
- 22 2. "Certified alcohol and drug counselor" means any person who
23 is not exempt pursuant to the provisions of Section 1872 of Title 59
24 of the Oklahoma Statutes and is not licensed under the Licensed

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

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

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

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

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

7 B. The administration of a public school may authorize one or
8 more persons employed by the school to receive training offered by
9 the Department of Mental Health and Substance Abuse Services, a law
10 enforcement agency or any other entity in recognizing the signs of
11 an opiate overdose and administering an opiate antagonist. Persons
12 designated to receive this training may include, but are not limited
13 to, the certified and noncertified staff members required to receive
14 annual training in cardiopulmonary resuscitation and the Heimlich
15 maneuver under Section 1210.199 of Title 70 of the Oklahoma
16 Statutes. If in-person training is not readily available in the
17 area, the person or persons designated under this provision may
18 access opiate antagonist training materials available online through
19 the State Department of Health or another entity. Such training
20 shall include information on how to spot symptoms of an overdose,
21 instruction in basic resuscitation techniques, instruction on proper
22 administration of an opiate antagonist and the importance of calling
23 911 for help.

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
20 04/11/2019 - DO PASS, As Amended.

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