

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 711

By: Rosino

AS INTRODUCED

An Act relating to substance abuse services; requiring the Department of Mental Health and Substance Abuse Services to provide opioid antagonists to the Department of Corrections and county jails; 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 opioid antagonists to certain persons upon discharge subject to certain condition; authorizing stocking and provision of opioid antagonists; requiring provision of opioid overdose education program to certain persons; providing certain construction; providing for codification; and providing an effective date.

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 3-705 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services shall provide opioid antagonists to the Department of Corrections

1 and to county jails for the purpose of implementing Section 2 of
2 this act.

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

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

9 2. Explain the causes of an opioid overdose;

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

12 a. life-saving rescue techniques, and

13 b. an opioid antagonist;

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

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

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

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

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

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

- 19 a. current illnesses and health problems including
- 20 medications taken and any special health requirements,
- 21 b. behavioral observation, including state of
- 22 consciousness and mental status,
- 23 c. body deformities and trauma markings such as bruises,
- 24 lesions, jaundice, and ease of body movement,

- 1 d. condition of skin and visible body orifices, including
2 infestations, and
3 e. disposition or referral of prisoners to qualified
4 medical personnel on an emergency basis; and

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

10 B. 1. Subject to the provision of opioid antagonists by the
11 Department of Mental Health and Substance Abuse Services as provided
12 by Section 1 of this act:

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

20 b. a county jail:

21 (1) upon the discharge of any person who is confined
22 in the jail pursuant to a sentence who has been
23 diagnosed with an opioid use disorder, regardless

1 of whether that person has received treatment for
2 the disorder, or

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

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

8 (b) a person who is being transferred to the
9 custody of the Department of Corrections,
10 shall provide the person, as the person leaves the
11 jail, with two doses of an opioid antagonist.

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

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

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

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

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