

HB 4081-4
(LC 208)
2/10/22 (SCT/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Representative Rachel Prusak)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4081**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and insert “689.681, 689.682, 689.684, 689.686 and 743A.051; and prescrib-
3 ing”.

4 After line 4, insert:

5 **“SECTION 1.** ORS 689.681 is amended to read:

6 “689.681. (1) As used in this section:

7 “(a) ‘Kit’ means a dose of naloxone **or any other drug approved by the**
8 **United States Food and Drug Administration for the complete or par-**
9 **tial reversal of opioid overdose** and the necessary medical supplies to ad-
10 minister the naloxone **or other drug described in this paragraph.**

11 “[*(b) ‘Opiate’ means a narcotic drug that contains:*]

12 “[*(A) Opium;*]

13 “[*(B) Any chemical derivative of opium; or*]

14 “[*(C) Any synthetic or semisynthetic drug with opium-like effects.*]

15 “[*(c) ‘Opiate overdose’ means a medical condition that causes depressed*
16 *consciousness and mental functioning, decreased movement, depressed respir-*
17 *atory function and the impairment of the vital functions as a result of*
18 *ingesting opiates in an amount larger than can be physically tolerated.*]

19 **“(b) ‘Opioid’ means a natural, synthetic or semisynthetic chemical**
20 **that interacts with opioid receptors on nerve cells in the body and**
21 **brain to reduce the intensity of pain signals and feelings of pain.**

1 “(c) ‘Opioid overdose’ means a medical condition that causes de-
2 pressed consciousness and mental functioning, decreased movement,
3 depressed respiratory function and the impairment of vital functions
4 as a result of ingesting opioids in an amount larger than can be
5 physically tolerated.

6 “(2) Notwithstanding any other provision of law, a pharmacy, a health
7 care professional or a pharmacist with prescription and dispensing privileges
8 or any other person designated by the State Board of Pharmacy by rule may
9 distribute and administer naloxone **or any other drug approved by the**
10 **United States Food and Drug Administration for the complete or par-**
11 **tial reversal of opioid overdose** and distribute the necessary medical sup-
12 plies to administer the naloxone **or other drug described in this**
13 **subsection.** The pharmacy, health care professional or pharmacist may also
14 distribute multiple kits to social service agencies under ORS 689.684 or to
15 other persons who work with individuals who have experienced an [*opiate*]
16 **opioid** overdose. The social services agencies or other persons may redis-
17 tribute the kits to individuals likely to experience an [*opiate*] **opioid** over-
18 dose or to family members of the individuals.

19 “(3) A person acting in good faith, if the act does not constitute wanton
20 misconduct, is immune from civil liability for any act or omission of an act
21 committed during the course of distributing and administering naloxone **or**
22 **other drug described in subsection (2) of this section** and distributing
23 **under this section** the necessary medical supplies to administer the
24 naloxone **or other drug described in subsection (2) of this section** [*under*
25 *this section*].”.

26 In line 5, delete “1” and insert “2”.

27 On page 2, line 1, delete “or gabapentin”.

28 In line 3, delete “or gabapentin”.

29 After line 26, insert:

30 “**SECTION 3.** ORS 689.684 is amended to read:

1 “689.684. (1) For purposes of this section, ‘social services agency’ includes,
2 but is not limited to, homeless shelters and crisis centers.

3 “(2) A person may administer to an individual naloxone **or any other**
4 **drug approved by the United States Food and Drug Administration for**
5 **the complete or partial reversal of opioid overdose** that was not distrib-
6 uted to the person if:

7 “(a) The individual to whom the naloxone **or other drug described in**
8 **this subsection** is being administered appears to be experiencing an
9 [*opiate*] **opioid** overdose as defined in ORS 689.681; and

10 “(b) The person who administers the naloxone **or other drug described**
11 **in this subsection** is an employee of a social services agency or is trained
12 under rules adopted by the State Board of Education pursuant to ORS
13 339.869.

14 “(3) For the purposes of protecting public health and safety, the Oregon
15 Health Authority may adopt rules for the administration of naloxone **or**
16 **other drug described in subsection (2) of this section** by employees of a
17 social services agency under this section.

18 “**SECTION 4.** ORS 689.686 is amended to read:

19 “689.686. (1) A retail or hospital outpatient pharmacy shall provide writ-
20 ten notice in a conspicuous manner that naloxone **or other drug approved**
21 **by the United States Food and Drug Administration for the complete**
22 **or partial reversal of opioid overdose** and the necessary medical supplies
23 to administer naloxone **or other drug described in this subsection** are
24 available at the pharmacy.

25 “(2) The State Board of Pharmacy may adopt rules to carry out this sec-
26 tion.”.

27 In line 27, delete “2” and insert “5”.

28 On page 3, delete lines 6 through 17 and insert:

29 “**SECTION 6. The amendments to ORS 689.682 and 743A.051 by**
30 **sections 2 and 5 of this 2022 Act apply to prescriptions for opioids**

1 written on or after the operative date specified in section 7 of this 2022
2 Act.

3 **“SECTION 7. (1) The amendments to ORS 689.681, 689.682, 689.684,**
4 **689.686 and 743A.051 by sections 1 to 5 of this 2022 Act become operative**
5 **on January 1, 2023.**

6 **“(2) The State Board of Pharmacy may take any action before the**
7 **operative date specified in subsection (1) of this section that is neces-**
8 **sary to enable the board to exercise, on and after the operative date**
9 **specified in subsection (1) of this section, all of the duties, functions**
10 **and powers conferred on the board by the amendments to ORS 689.681,**
11 **689.682, 689.684, 689.686 and 743A.051 by sections 1 to 5 of this 2022 Act.**

12 **“SECTION 8. This 2022 Act takes effect on the 91st day after the**
13 **date on which the 2022 regular session of the Eighty-first Legislative**
14 **Assembly adjourns sine die.”.**

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