

Enrolled
Senate Bill 1043

Sponsored by Senator WAGNER; Senators LIEBER, SOLLMAN, Representatives ANDERSEN, DEXTER, GAMBA, HARTMAN, HIEB, LEVY E, NELSON (at the request of Governor Tina Kotek)

CHAPTER

AN ACT

Relating to opioid overdose reversal medication.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS chapter 441.

SECTION 2. (1) Upon the discharge or release of a patient, a hospital licensed under this chapter shall provide to the patient at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

- (a) The hospital actively treated the patient for the patient’s opioid use disorder; and
- (b) The patient is discharged or released to an unlicensed private residence or other un-

licensed setting.

(2)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a patient opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (1) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(3) The requirements of subsection (1) of this section do not apply if a patient leaves the hospital against medical advice.

SECTION 3. (1) Notwithstanding ORS 689.681, upon the discharge or transfer of a resident, a long term care facility shall provide to the resident at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

(a) The resident received addiction treatment at the long term care facility for a current opioid use disorder; and

(b) The resident is being discharged or transferred to an unlicensed private residence or other unlicensed setting.

(2)(a) Except as provided in paragraph (b) of this subsection, a person that is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a resident opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (1) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(3) The requirements of subsection (1) of this section do not apply if a resident leaves the long term care facility against the long term care facility's advice.

SECTION 4. (1) As used in this section, "facility" means a:

(a) Sobering facility registered under ORS 430.262; or

(b) Facility licensed, certified or otherwise authorized by a public body to provide detoxification services for substance use.

(2) Notwithstanding ORS 689.681, upon the discharge or release of an individual, a facility shall provide to the individual at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if the individual:

(a) Received addiction treatment at the facility for a current opioid use disorder; and

(b) Is discharged or released to an unlicensed private residence or other unlicensed setting.

(3)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to an individual opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (2) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(4) The requirements of subsection (2) of this section do not apply if an individual leaves the facility against the facility's advice.

SECTION 5. Section 6 of this 2023 Act is added to and made a part of ORS 443.400 to 443.455.

SECTION 6. (1) As used in this section, "facility" means a residential care facility, residential treatment facility or residential treatment home licensed under ORS 443.410.

(2) Notwithstanding ORS 689.681, upon the discharge or release of a resident, a facility shall provide to the resident at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

(a) The resident received addiction treatment at the facility for a current opioid use disorder; and

(b) The resident is discharged, released or transferred to an unlicensed private residence or other unlicensed setting.

(3)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a resident opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (2) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(4) The requirements of subsection (2) of this section do not apply if a resident leaves the facility against the facility's advice.

SECTION 7. The Oregon Health Authority shall facilitate access to opioid overdose reversal medications and the necessary medical supplies to administer the medications for hospitals licensed under ORS chapter 441, long term care facilities as defined in ORS 442.015, facilities as defined in section 4 of this 2023 Act and facilities as defined in section 6 of this 2023 Act for the purposes of carrying out sections 2, 3, 4 and 6 of this 2023 Act.

Passed by Senate April 13, 2023

Repassed by Senate June 15, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 25, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State