

A-Engrossed Senate Bill 1043

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Sponsored by Senator WAGNER (at the request of Governor Tina Kotek)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires providers of substance use treatment or detoxification services, hospitals, long term care facilities, residential care facilities and providers of outpatient physical or behavioral health services, upon release, discharge or transfer of patient or resident or at conclusion of patient visit, to provide two doses of overdose reversal medication and medical supplies necessary to administer medication if patient or resident has prescription for opioid medication or has history of opioid use.]

Requires hospitals and other specified facilities that provide substance use disorder treatment to provide to specified patients upon discharge or release two doses of opioid overdose reversal medication and necessary medical supplies to administer medication. Creates exception.

Provides immunity from civil liability for person who in good faith provides **opioid** overdose reversal medications and [*supplies*] necessary **medical supplies** to administer medications. **Provides that civil liability protection does not apply to person involved in manufacture or sale of opioid overdose reversal medication.**

Requires Oregon Health Authority to facilitate access to opioid overdose reversal medication for hospitals and other specified facilities.

A BILL FOR AN ACT

1
2 Relating to opioid overdose reversal medication.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 441.**

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

8 (a) **The hospital actively treated the patient for the patient's opioid use disorder; and**

9 (b) **The patient is discharged or released to an unlicensed private residence or other un-**
10 **licensed setting.**

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

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

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

20 **SECTION 3. (1) As used in this section, "facility" means a:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Sobering facility registered under ORS 430.262; or

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

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

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

8 (b) Is discharged or released to an unlicensed private residence or other unlicensed set-
9 ting.

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

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

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

19 **SECTION 4.** (1) As used in this section, "facility" means a residential treatment facility
20 or residential treatment home, as those terms are defined in ORS 443.400, that is licensed
21 under ORS 443.410 (2).

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

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

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

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

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

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

38 **SECTION 5.** The Oregon Health Authority shall facilitate access to opioid overdose re-
39 versal medications and the necessary medical supplies to administer the medication for
40 hospitals licensed under ORS chapter 441, facilities as defined in section 3 of this 2023 Act
41 and residential facilities licensed under ORS 443.410 for the purposes of carrying out sections
42 2, 3 and 4 of this 2023 Act.

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