

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2395

By COMMITTEE ON RULES

June 21

- 1 On page 1 of the printed A-engrossed bill, line 2, delete “109.675, 109.680, 109.685.”
- 2 In line 3, delete “414.320,” and after “475.525,” insert “475.744.”
- 3 In line 4, after “689.686;” insert “repealing section 7a, chapter \_\_\_, Oregon Laws 2023 (Enrolled
- 4 House Bill 2421);”
- 5 On page 5, delete lines 43 through 45.
- 6 On page 6, delete lines 1 through 7 and insert:
- 7 “**SECTION 10.** ORS 339.867 is amended to read:
- 8 “339.867. As used in ORS 339.869 and 339.870:
- 9 “(1)(a) ‘Medication’ means:
- 10 “[a] (A) Medication that is not injected;
- 11 “[b] (B) Premeasured doses of epinephrine that are injected;
- 12 “[c] (C) Medication that is available for treating adrenal insufficiency; and
- 13 “[d] (D) Naloxone or any similar medication that is in any form available for safe adminis-
- 14 tration and that is designed to rapidly reverse an overdose of an opioid drug.
- 15 “[2] (b) ‘Medication’ does not include nonprescription sunscreen.
- 16 “(2) ‘**Opioid overdose**’ has the meaning given that term in ORS 689.681.
- 17 “(3) ‘**Short-acting opioid antagonist**’ has the meaning given that term in ORS 689.681.”
- 18 In line 41, delete “, as defined” and insert a period.
- 19 Delete line 42.
- 20 On page 7, after line 12, insert:
- 21 “(4)(a) A school district board shall provide to the parent or legal guardian of each minor stu-
- 22 dent enrolled in a school in the school district information regarding short-acting opioid antagonists.
- 23 The information described in this subsection must include at least:
- 24 “(A) A description of short-acting opioid antagonists and their purpose;
- 25 “(B) A statement regarding, in an emergency situation, the risks of administering to an individ-
- 26 ual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting
- 27 opioid antagonist;
- 28 “(C) A statement that all schools within the school district have access to short-acting opioid
- 29 antagonists and the necessary medical supplies to administer the short-acting opioid antagonist on
- 30 site; and
- 31 “(D) A statement that a representative of a school may administer to a student a short-acting
- 32 opioid antagonist in an emergency if the student appears to be unconscious and experiencing an
- 33 opioid overdose.
- 34 “(b) A school district board shall ensure that the parent or legal guardian of a minor student
- 35 enrolled in a school within the school district is immediately notified when a short-acting opioid

1 antagonist is administered to the student if the short-acting opioid antagonist is administered while  
2 the student is at school, on school property under the jurisdiction of the school district or at any  
3 activity under the jurisdiction of the school district.”.

4 In line 20, delete “, as defined in ORS 689.681,”.

5 In line 21, delete “, as defined in ORS 689.681,”.

6 Delete lines 30 through 45 and insert:

7 “(b) A person may not maintain an action for injury, death or loss that results from acts or  
8 omissions of a school administrator, teacher or other school employee during the administration of  
9 a short-acting opioid antagonist as described in subsection (1)(b) of this section unless it is alleged  
10 and proved by the complaining party that the school administrator, teacher or other school em-  
11 ployee was grossly negligent in administering the short-acting opioid antagonist.

12 “(c) Unless it is alleged and proved by the complaining party that the school district or member  
13 of the school district board was grossly negligent in administering the short-acting opioid antagonist,  
14 a person may not maintain an action for damages for injury, death or loss that results from acts or  
15 omissions of a school district or members of the school district board during the administration of  
16 a short-acting opioid antagonist:

17 “(A) As described in subsection (1)(b) of this section; or

18 “(B) By any person who administers the short-acting opioid antagonist to a student or other  
19 individual who the person believes is experiencing an opioid overdose and the administration occurs  
20 on school premises, including at a school, on school property under the jurisdiction of the school  
21 district or at any activity under the jurisdiction of the school district.”.

22 On page 8, line 1, delete “(2)” and insert “(2)(a)”.

23 Delete lines 3 through 45 and insert:

24 “**SECTION 13.** ORS 339.871 is amended to read:

25 “339.871. (1) A school administrator, school nurse, teacher or other school employee designated  
26 by the school administrator is not liable in a criminal action or for civil damages as a result of a  
27 student’s self-administration of medication, as described in ORS 339.866, if the school administrator,  
28 school nurse, teacher or other school employee, in compliance with the instructions of the student’s  
29 Oregon licensed health care professional, in good faith assists the student’s self-administration of the  
30 medication, if the medication is available to the student pursuant to written permission and in-  
31 structions of the student’s parent, guardian or Oregon licensed health care professional.

32 “(2) A school administrator, school nurse, teacher or other school employee designated by the  
33 school administrator is not liable in a criminal action or for civil damages as a result of the use of  
34 medication if the school administrator, school nurse, teacher or other school employee in good faith  
35 administers[:]

36 “[*(a)*] autoinjectable epinephrine to a student or other individual with a severe allergy who is  
37 unable to self-administer the medication, regardless of whether the student or individual has a pre-  
38 scription for epinephrine[: or]

39 “[*(b)*] *Naloxone or any similar medication that is in any form available for safe administration and  
40 that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who  
41 the school administrator, school nurse, teacher or other school employee believes in good faith is expe-  
42 riencing an overdose of an opioid drug*].

43 “(3) A school district and the members of a school district board are not liable in a criminal  
44 action or for civil damages as a result of the use of medication if:

45 “(a) Any person in good faith administers autoinjectable epinephrine to a student or other indi-

1 vidual with a severe allergy who is unable to self-administer the medication, regardless of whether  
2 the student or individual has a prescription for epinephrine; and

3 “(b) The person administered the autoinjectable epinephrine on school premises, including at a  
4 school, on school property under the jurisdiction of the district or at an activity under the juris-  
5 diction of the school district.

6 “[*(4) A school district and the members of a school district board are not liable in a criminal action  
7 or for civil damages as a result of the use of medication if:*]

8 “[*(a) Any person in good faith administers naloxone or any similar medication that is in any form  
9 available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug  
10 to a student or other individual who the person believes in good faith is experiencing an overdose of  
11 an opioid drug; and*]

12 “[*(b) The person administered the naloxone or similar medication on school premises, including  
13 at a school, on school property under the jurisdiction of the district or at an activity under the juris-  
14 diction of the school district.*]

15 “[*(5)*] (4) The civil and criminal immunities imposed by this section do not apply to an act or  
16 omission amounting to gross negligence or willful and wanton misconduct.”.

17 On page 9, delete lines 8 through 45 and delete page 10.

18 On page 11, delete lines 1 through 20.

19 After line 23, insert:

20 “**SECTION 15. Section 16 of this 2023 Act is added to and made a part of ORS 475.525 to  
21 475.565.**

22 “**SECTION 16. (1) Notwithstanding ORS 475.525 (3), it is unlawful to provide single-use  
23 drug test strips or drug testing tools to a minor who is under 15 years of age unless the  
24 strips or tools are provided to the minor as part of the minor’s substance use disorder  
25 treatment provided by a mental health care provider and the strips or tools are provided by  
26 the mental health care provider.**

27 “(2) As used in this section, ‘mental health care provider’ means a:

28 “(a) Physician licensed under ORS chapter 677;

29 “(b) Physician assistant licensed under ORS 677.505 to 677.525;

30 “(c) Psychologist licensed under ORS 675.010 to 675.150;

31 “(d) Nurse practitioner licensed under ORS 678.375 to 678.390;

32 “(e) Clinical social worker licensed under ORS 675.530;

33 “(f) Licensed professional counselor licensed under ORS 675.715;

34 “(g) Licensed marriage and family therapist licensed under ORS 675.715;

35 “(h) Naturopathic physician licensed under ORS chapter 685;

36 “(i) Chiropractic physician licensed under ORS chapter 684;

37 “(j) Community mental health program established and operated pursuant to ORS 430.620  
38 when approved to do so by the Oregon Health Authority pursuant to rule; or

39 “(k) Organizational provider, as defined in ORS 430.637, that holds a certificate of ap-  
40 proval.”.

41 In line 24, delete “21” and insert “17”.

42 On page 12, delete line 45.

43 On page 13, delete lines 1 through 36 and insert:

44 “**SECTION 18. ORS 475.744 is amended to read:**

45 “475.744. (1) A person may not sell or give a:

1 “(a) Hypodermic device to a minor unless the minor demonstrates a lawful need for the  
2 hypodermic device by authorization of a physician, naturopathic physician licensed under ORS  
3 chapter 685, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed  
4 under ORS 678.375 to 678.390, parent or legal guardian or by other means acceptable to the seller  
5 or donor.

6 “(b)(A) Pipe to a minor unless the minor demonstrates a lawful need for the pipe by au-  
7 thorization of a physician, naturopathic physician licensed under ORS chapter 685, physician  
8 assistant licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS  
9 678.375 to 678.390, or the minor’s parent or legal guardian; and

10 “(B) The minor obtains the consent of the minor’s parent or legal guardian to possess  
11 the pipe.

12 “(2) As used in this section[,]:

13 “(a) ‘Hypodermic device’ means a hypodermic needle or syringe or medication packaged in a  
14 hypodermic syringe or any instrument adapted for the subcutaneous injection of a controlled sub-  
15 stance as defined in ORS 475.005.

16 “(b) ‘Pipe’ means:

17 “(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without  
18 screens;

19 “(B) Water pipes;

20 “(C) Carburetion tubes and devices;

21 “(D) Chamber pipes;

22 “(E) Carburetor pipes;

23 “(F) Electric pipes;

24 “(G) Air-driven pipes; and

25 “(H) Ice pipes or chillers.

26 “**SECTION 19. Section 16 of this 2023 Act and the amendments to ORS 475.525 and 475.744**  
27 **by sections 17 and 18 of this 2023 Act apply to conduct occurring on or after the effective**  
28 **date of this 2023 Act.”.**

29 In line 40, delete “26” and insert “20”.

30 On page 14, line 11, delete “manner” and insert “cause”.

31 On page 15, line 12, delete “27” and insert “21”.

32 On page 16, line 28, delete “manner” and insert “cause”.

33 In line 33, delete “manner” and insert “cause”.

34 On page 17, delete lines 2 through 11 and insert:

35 “**SECTION 22. Section 20 of this 2023 Act and the amendments to ORS 146.100 by section**  
36 **21 of this 2023 Act apply to deaths occurring on and after the operative date specified in**  
37 **section 23 of this 2023 Act.**

38 “**SECTION 23. (1) Section 20 of this 2023 Act and the amendments to ORS 146.100 by**  
39 **section 21 of this 2023 Act become operative on January 1, 2024.**

40 “(2) The Oregon Health Authority may take any action before the operative date specified  
41 in subsection (1) of this section that is necessary to enable the authority to exercise, on and  
42 after the operative date specified in subsection (1) of this section, all of the duties, functions  
43 and powers conferred on the authority by section 20 of this 2023 Act and the amendments  
44 to ORS 146.100 by section 21 of this 2023 Act.”.

45 In line 15, delete “30” and insert “24”.

1 On page 19, line 36, delete “31” and insert “25”.

2 On page 20, line 33, delete “32” and insert “26”.

3 On page 23, after line 38, insert:

4 **“SECTION 27. If House Bill 2421 becomes law, section 7a, chapter \_\_, Oregon Laws 2023**  
5 **(Enrolled House Bill 2421) (amending ORS 109.675), is repealed.”.**

6 In line 42, delete “33” and insert “28”.

7 On page 24, line 3, delete “34” and insert “29”.

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