

B-Engrossed
Senate Bill 1043

Ordered by the House May 16
Including Senate Amendments dated April 7 and House Amendments
dated May 16

Sponsored by Senator WAGNER; Senators LIEBER, SOLLMAN, Representative NELSON (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 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 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. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS**
5 **chapter 441.**

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

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

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

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

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

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

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

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 medication if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 5.** Section 6 of this 2023 Act is added to and made a part of ORS 443.400 to
35 443.455.

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

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

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

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

45 (3)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in

1 **good faith, if the act does not constitute wanton misconduct, is immune from civil liability**
2 **for any act or omission of an act committed during the course of providing to a resident**
3 **opioid overdose reversal medications, and the necessary medical supplies to administer the**
4 **medications, under subsection (2) of this section.**

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

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

9 **SECTION 7. The Oregon Health Authority shall facilitate access to opioid overdose re-**
10 **versal medications and the necessary medical supplies to administer the medications for**
11 **hospitals licensed under ORS chapter 441, long term care facilities as defined in ORS 442.015,**
12 **facilities as defined in section 4 of this 2023 Act and facilities as defined in section 6 of this**
13 **2023 Act for the purposes of carrying out sections 2, 3, 4 and 6 of this 2023 Act.**

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