

Senate Bill 1043

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 **as introduced**.

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.

Provides immunity from civil liability for person who in good faith provides overdose reversal medications and supplies necessary to administer medications.

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 release, discharge or transfer of a patient who has a pre-**
6 **scription for an opioid medication or is known to have a history of opioid use disorder, a**
7 **health care facility licensed under ORS 441.025 shall furnish to the patient at least two doses**
8 **of an overdose reversal medication and the medical supplies necessary to administer the**
9 **medication.**

10 **(2) A person who is acting in good faith, if the act does not constitute wanton miscon-**
11 **duct, is immune from civil liability for any act or omission of an act committed during the**
12 **course of furnishing overdose reversal medications to a patient and distributing the medical**
13 **supplies necessary to administer the medications under this section.**

14 **SECTION 3. (1) Notwithstanding ORS 689.681, at the time of the release of an individual**
15 **from a sobering facility registered under ORS 430.262, or any facility licensed, certified or**
16 **otherwise authorized by a public body to provide detoxification services for substance use,**
17 **the facility shall provide to the individual at least two doses of an overdose reversal**
18 **medication and the medical supplies necessary to administer the medication, if the individual:**

19 **(a) Presented at the facility with signs or symptoms of opioid use; or**

20 **(b) Is known to have taken opioids in the past six months.**

21 **(2) A person who is acting in good faith, if the act does not constitute wanton miscon-**
22 **duct, is immune from civil liability for any act or omission of an act committed during the**
23 **course of furnishing overdose reversal medications to an individual and distributing the**
24 **medical supplies necessary to administer the medications under this section.**

25 **SECTION 4. (1) Notwithstanding ORS 689.681, upon the release, discharge or transfer**
26 **from a residential facility, licensed under ORS 443.410, of a resident who has a prescription**
27 **for an opioid medication or is known to have a history of opioid use disorder, the residential**
28 **facility shall furnish to the resident or the resident's authorized representative at least two**

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 doses of an overdose reversal medication and the medical supplies necessary to administer
2 the medication.

3 (2) A person who is acting in good faith, if the act does not constitute wanton miscon-
4 duct, is immune from civil liability for any act or omission of an act committed during the
5 course of furnishing overdose reversal medications to a resident or the resident's authorized
6 representative and distributing the medical supplies necessary to administer the medications
7 under this section.

8 **SECTION 5.** (1) As used in this section, "entity" means any facility, organization or
9 program licensed, certified or otherwise authorized by this state to provide outpatient phys-
10 ical health or behavioral health services.

11 (2) Notwithstanding ORS 689.681, an entity shall furnish to a patient receiving outpatient
12 services from the entity, at the conclusion of the visit, at least two doses of an overdose
13 reversal medication and the medical supplies necessary to administer the medication if the
14 patient:

- 15 (a) Has a prescription for an opioid medication;
- 16 (b) Presented with signs or symptoms of opioid use; or
- 17 (c) Is known by the entity to have a history of opioid use disorder.

18 (3) A person who is acting in good faith, if the act does not constitute wanton miscon-
19 duct, is immune from civil liability for any act or omission of an act committed during the
20 course of furnishing overdose reversal medications to a patient and distributing the medical
21 supplies necessary to administer the medications under this section.

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