

Requested by Representative DEXTER

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2395**

1 On page 1 of the printed A-engrossed bill, line 2, delete “109.675, 109.680,
2 109.685.”.

3 In line 3, delete “414.320,” and after “475.525,” insert “475.744.”.

4 In line 4, after “689.686;” insert “repealing section 7a, chapter ___, Oregon
5 Laws 2023 (Enrolled House Bill 2421);”

6 On page 5, delete lines 43 through 45.

7 On page 6, delete lines 1 through 7 and insert:

8 **“SECTION 10.** ORS 339.867 is amended to read:

9 “339.867. As used in ORS 339.869 and 339.870:

10 “(1)(a) ‘Medication’ means:

11 “[a] (A) Medication that is not injected;

12 “[b] (B) Premeasured doses of epinephrine that are injected;

13 “[c] (C) Medication that is available for treating adrenal insufficiency;

14 and

15 “[d] (D) Naloxone or any similar medication that is in any form avail-
16 able for safe administration and that is designed to rapidly reverse an over-
17 dose of an opioid drug.

18 “[2] (b) ‘Medication’ does not include nonprescription sunscreen.

19 **“(2) ‘Opioid overdose’ has the meaning given that term in ORS
20 689.681.**

21 **“(3) ‘Short-acting opioid antagonist’ has the meaning given that**

1 **term in ORS 689.681.”.**

2 In line 41, delete “, as defined” and insert a period.

3 Delete line 42.

4 On page 7, after line 12, insert:

5 “(4)(a) A school district board shall provide to the parent or legal guard-
6 ian of each minor student enrolled in a school in the school district infor-
7 mation regarding short-acting opioid antagonists. The information described
8 in this subsection must include at least:

9 “(A) A description of short-acting opioid antagonists and their purpose;

10 “(B) A statement regarding, in an emergency situation, the risks of ad-
11 ministering to an individual a short-acting opioid antagonist and the risks
12 of not administering to an individual a short-acting opioid antagonist;

13 “(C) A statement that all schools within the school district have access
14 to short-acting opioid antagonists and the necessary medical supplies to ad-
15 minister the short-acting opioid antagonist on site; and

16 “(D) A statement that a representative of a school may administer to a
17 student a short-acting opioid antagonist in an emergency if the student ap-
18 pears to be unconscious and experiencing an opioid overdose.

19 “(b) A school district board shall ensure that the parent or legal guardian
20 of a minor student enrolled in a school within the school district is imme-
21 diately notified when a short-acting opioid antagonist is administered to the
22 student if the short-acting opioid antagonist is administered while the stu-
23 dent is at school, on school property under the jurisdiction of the school
24 district or at any activity under the jurisdiction of the school district.”.

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

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

27 Delete lines 30 through 45 and insert:

28 “(b) A person may not maintain an action for injury, death or loss that
29 results from acts or omissions of a school administrator, teacher or other
30 school employee during the administration of a short-acting opioid antag-

1 onist as described in subsection (1)(b) of this section unless it is alleged and
2 proved by the complaining party that the school administrator, teacher or
3 other school employee was grossly negligent in administering the short-
4 acting opioid antagonist.

5 “(c) Unless it is alleged and proved by the complaining party that the
6 school district or member of the school district board was grossly negligent
7 in administering the short-acting opioid antagonist, a person may not main-
8 tain an action for damages for injury, death or loss that results from acts
9 or omissions of a school district or members of the school district board
10 during the administration of a short-acting opioid antagonist:

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

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

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

18 Delete lines 3 through 45 and insert:

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

20 “339.871. (1) A school administrator, school nurse, teacher or other school
21 employee designated by the school administrator is not liable in a criminal
22 action or for civil damages as a result of a student’s self-administration of
23 medication, as described in ORS 339.866, if the school administrator, school
24 nurse, teacher or other school employee, in compliance with the instructions
25 of the student’s Oregon licensed health care professional, in good faith as-
26 sists the student’s self-administration of the medication, if the medication is
27 available to the student pursuant to written permission and instructions of
28 the student’s parent, guardian or Oregon licensed health care professional.

29 “(2) A school administrator, school nurse, teacher or other school em-
30 ployee designated by the school administrator is not liable in a criminal

1 action or for civil damages as a result of the use of medication if the school
2 administrator, school nurse, teacher or other school employee in good faith
3 administers[:]

4 “[*(a)*] autoinjectable epinephrine to a student or other individual with a
5 severe allergy who is unable to self-administer the medication, regardless of
6 whether the student or individual has a prescription for epinephrine[; or]

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

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

15 “(a) Any person in good faith administers autoinjectable epinephrine to
16 a student or other individual with a severe allergy who is unable to self-
17 administer the medication, regardless of whether the student or individual
18 has a prescription for epinephrine; and

19 “(b) The person administered the autoinjectable epinephrine on school
20 premises, including at a school, on school property under the jurisdiction of
21 the district or at an activity under the jurisdiction of the school district.

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

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

30 “[*(b)* *The person administered the naloxone or similar medication on school*

1 *premises, including at a school, on school property under the jurisdiction of*
2 *the district or at an activity under the jurisdiction of the school district.]*

3 “[5] (4) The civil and criminal immunities imposed by this section do
4 not apply to an act or omission amounting to gross negligence or willful and
5 wanton misconduct.”.

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

7 On page 11, delete lines 1 through 20.

8 After line 23, insert:

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

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

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

19 **“(a) Physician licensed under ORS chapter 677;**

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

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

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

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

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

25 **“(g) Licensed marriage and family therapist licensed under ORS**
26 **675.715;**

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

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

29 **“(j) Community mental health program established and operated**
30 **pursuant to ORS 430.620 when approved to do so by the Oregon Health**

1 **Authority pursuant to rule; or**

2 **“(k) Organizational provider, as defined in ORS 430.637, that holds**
3 **a certificate of approval.”.**

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

5 On page 12, delete line 45.

6 On page 13, delete line 1 and insert:

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

8 **“475.744. (1) A person may not sell or give a:**

9 **“(a) Hypodermic device to a minor unless the minor demonstrates a law-**
10 **ful need for the hypodermic device by authorization of a physician,**
11 **naturopathic physician licensed under ORS chapter 685, physician assistant**
12 **licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS**
13 **678.375 to 678.390, parent or legal guardian or by other means acceptable to**
14 **the seller or donor.**

15 **“(b)(A) Pipe to a minor unless the minor demonstrates a lawful**
16 **need for the pipe by authorization of a physician, naturopathic physi-**
17 **cian licensed under ORS chapter 685, physician assistant licensed un-**
18 **der ORS 677.505 to 677.525 or nurse practitioner licensed under ORS**
19 **678.375 to 678.390, or the minor’s parent or legal guardian; and**

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

22 **“(2) As used in this section[,]:**

23 **“(a) ‘Hypodermic device’ means a hypodermic needle or syringe or**
24 **medication packaged in a hypodermic syringe or any instrument adapted for**
25 **the subcutaneous injection of a controlled substance as defined in ORS**
26 **475.005.**

27 **“(b) ‘Pipe’ means:**

28 **“(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes**
29 **with or without screens;**

30 **“(B) Water pipes;**

1 **“(C) Carburetion tubes and devices;**

2 **“(D) Chamber pipes;**

3 **“(E) Carburetor pipes;**

4 **“(F) Electric pipes;**

5 **“(G) Air-driven pipes; and**

6 **“(H) Ice pipes or chillers.**

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

10 Delete lines 2 through 36.

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

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

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

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

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

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

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

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

23 **“(2) The Oregon Health Authority may take any action before the**
24 **operative date specified in subsection (1) of this section that is neces-**
25 **sary to enable the authority to exercise, on and after the operative**
26 **date specified in subsection (1) of this section, all of the duties, func-**
27 **tions and powers conferred on the authority by section 20 of this 2023**
28 **Act and the amendments to ORS 146.100 by section 21 of this 2023**
29 **Act.”.**

30 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**
5 **___, Oregon Laws 2023 (Enrolled House Bill 2421) (amending ORS**
6 **109.675), is repealed.”.**

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

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

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