

March 21, 2023

Sen. Deb Patterson, Chair  
Sen. Cedric Hayden, Vice-Chair  
Senate Committee on Health Care

RE: SB 1043, Relating to Opioid Overdose Reversal Medication

Chair Patterson, Vice-Chair Hayden, and Members of the Senate Committee on Health Care:

My name is Adam Froehlich, I am a citizen of Wilsonville, a former firefighter/EMT and 911 dispatcher (out of state), and current third-year law student at Willamette University College of Law. I write to express my support for SB 1043 and to advocate for additional measures to increase access to opioid antagonists.

Widespread access to opioid antagonists such as naloxone is a key step in fighting the nationwide epidemic of opioid overdose and is one of the least controversial harm reduction measures available.<sup>1</sup> Oregon is far from immune to the opioid overdose scourge with deaths increasing dramatically from 280 to 745 between 2019 and 2021.<sup>2</sup> All 50 states, including Oregon have enacted a variety of laws aimed at increasing access to opioid antagonists such as naloxone.<sup>3</sup> However, as deaths from opioid overdoses continue to increase, exceeding 68,000 nationally in 2020<sup>4</sup> and more than doubling in Oregon in the span of just two years, it seems clear that more needs to be done. I am pleased to see the Oregon Legislature wanting to take action to further improve access to opioid antagonists. By my count, at least nine bills in this legislative session relate to increasing access to opioid antagonists<sup>5</sup> and several other bills look at other ways of combating the opioid crisis.<sup>6</sup> It is apparent that this Legislature is aware of the impact opioid antagonists can have and the importance of putting those potentially life-saving medications in the hands the populations and communities who can use them and need them when seconds count.

As noted, I support SB 1043, but I also support a broadening of the bill, along with additional legislation to expand access to opioid antagonists. In November 2021, the Office of National Drug

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<sup>1</sup> Noah Fromson, *Opioids: 4 Ways to Reduce Harm, Overdose and Death*, MICHIGAN MEDICINE, June 7, 2022, 5:00 AM, <https://www.michiganmedicine.org/health-lab/opioids-4-ways-reduce-harm-overdose-and-death>; Stacy Weiner, *As Drug Overdoses Soar, More Providers Endorse Harm Reduction*, AMERICAN ACADEMY OF MEDICAL COLLEGES, Feb. 15, 2022, <https://www.aamc.org/news-insights/drug-overdoses-soar-more-providers-embrace-harm-reduction>; Aneri Pattani, *To Save Lives, Overdose Antidote Should be Sold Over-the-Counter, Advocates Argue*, NPR, Dec. 14, 2021, <https://www.npr.org/sections/health-shots/2021/12/14/1063865914/to-save-lives-overdose-antidote-should-be-sold-over-the-counter-advocates-argue>.

<sup>2</sup> Ben Botkin, *Lawmaker Proposes Legislation to Address Opioid Overdose*, OREGON CAPITAL CHRONICLE, Jan. 24, 2023, <https://oregoncapitalchronicle.com/2023/01/24/lawmaker-proposes-legislation-to-address-opioid-overdose-epidemic/>.

<sup>3</sup> See generally LEGIS. ANALYSIS AND PUB. POL'Y ASS'N, NALOXONE ACCESS: SUMMARY OF STATE LAWS (2023), <http://legislativeanalysis.org/wp-content/uploads/2023/02/Naloxone-Access-Summary-of-State-Laws.pdf>.

<sup>4</sup> *Death Rate Maps & Graphs*, CENTERS FOR DISEASE CONTROL AND PREVENTION, June 2, 2022, <https://www.cdc.gov/drugoverdose/deaths/index.html>.

<sup>5</sup> SB 12 (2023); SB 450 (2023); SB 1043 (2023); HB 2395 (2023); HB 2884 (2023); HB 2885 (2023); HB 2887 (2023); HB 3070 (2023); HB 3299 (2023).

<sup>6</sup> HB 2397 (2023); HB 2833 (2023); HB 2881 (2023); HB 2882 (2023); HB 3517 (2023).

Control Policy, in association with the Legislative Analysis and Public Policy Association, published a comprehensive model law aimed at increasing access to opioid antagonists.<sup>7</sup> The Model Expanded Access to Emergency Opioid Antagonists Act implements nine strategies related to increased opioid antagonist access.<sup>8</sup> Oregon has implemented some of these strategies already, but should adopt them all. One strategy is mandatory co-prescribing of an opioid antagonist whenever an opioid is prescribed to a patient.<sup>9</sup> This section operates similarly to SB 1043 in that both provide for opioid antagonists to be put in the hands of patients with prescriptions for opioid medication, though SB 1043 is actually more expansive than the model law in that it also provides for the same when a person is “known to have a history of opioid use disorder,” and provides access to persons released from sobering facilities.<sup>10</sup>

Section X of the model law provides that upon the release of an adult in custody from a correctional setting, they should be offered an opioid antagonist, along with information on its use and information on “where and how to obtain additional . . . doses locally.”<sup>11</sup> The law’s commentary notes that “drug overdose is the leading cause of death after release from prison.”<sup>12</sup> The Committee should consider adding correctional settings to the places where a person may be provided an opioid antagonist upon discharge. The evidence, cited by the model law, is clear that the recently-release previously incarcerated population is particularly vulnerable to opioid death and is among those who would benefit greatly from having opioid antagonists in-hand at critical moments.

Overall, I am glad to see the legislature continue to take action on opioid antagonist availability as an important part of reducing the ever-increasing number of opioid overdose deaths which impact Oregon and the nation as a whole. In that pursuit, I believe it is important to consider all populations which will benefit from having doses of a life-saving opioid antagonist readily available, which is why I ask that the Committee look into adding language similar to that in Section X of the Model Expanded Access to Emergency Opioid Antagonists Act to SB 1043, and examine the rest of the model law for additional proposals in Oregon.

Thank you for your consideration.

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<sup>7</sup> *White House Releases State Model Law to Help Make Access to Naloxone Consistent Across the Country*, THE WHITE HOUSE, Nov. 17, 2021, <https://www.whitehouse.gov/ondcp/briefing-room/2021/11/17/white-house-releases-state-model-law-to-help-make-access-to-naloxone-consistent-across-the-country/>; LEGIS. ANALYSIS AND PUB. POL’Y ASS’N, MODEL EXPANDED ACCESS TO EMERGENCY OPIOID ANTAGONISTS ACT (2021), <http://legislativeanalysis.org/wp-content/uploads/2021/12/Model-Expanded-Access-to-Emergency-Opioid-Antagonists-Act-FINAL.pdf>.

<sup>8</sup> *Model Expanded Access to Emergency Opioid Antagonists Act*, LEGIS. ANALYSIS AND PUB. POL’Y ASS’N, Nov. 16, 2021, <https://legislativeanalysis.org/model-expanded-access-to-emergency-opioid-antagonists-act/>

<sup>9</sup> MODEL EXPANDED ACCESS TO EMERGENCY OPIOID ANTAGONISTS ACT, *supra* n.7 at 16.

<sup>10</sup> SB 1043, §§ 2, 3 (2023).

<sup>11</sup> MODEL EXPANDED ACCESS TO EMERGENCY OPIOID ANTAGONISTS ACT, *supra* n.7 at 21–22.

<sup>12</sup> MODEL EXPANDED ACCESS TO EMERGENCY OPIOID ANTAGONISTS ACT, *supra* n.7 at 23 (citing Ingrid A. Binswanger, et al., *Release from Prison — A High Risk of Death for Former Inmate*, NEW ENGLAND J. MED.. 157–165 (2007)).