

A-Engrossed
House Bill 3440

Ordered by the House May 23
Including House Amendments dated May 23

Sponsored by Representatives WILLIAMSON, KENNEMER

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.

[Specifies that Oregon Health Authority may use prescription monitoring information to determine whether practitioners are prescribing opioids or opiates in compliance with guidelines for prescribing opioids and opiates. Specifies that authority may inform health regulatory board with jurisdiction over practitioner of practitioner's prescribing practices with respect to opioids or opiates for educational purposes.]

Removes special training requirement from statutes governing prescribing, dispensing and distributing naloxone.

Specifies that reimbursing *[cost of inpatient treatment for opioid or opiate abuse or dependency for first two weeks of treatment and]* cost of initial 30-day supply of medication prescribed for purpose of treating opioid or opiate *[abuse or dependency]* **withdrawal** does not require prior authorization.

Specifies that individual may not be denied entry into specialty court in this state solely for reason that individual is taking, or intends to take, medication prescribed by licensed health care practitioner for treatment of drug abuse or dependency.

Requires **Oregon Health** Authority to publish and report information related to opioids and opiates.

[Establishes Task Force on Opioid and Opiate Abuse and Dependency for purpose of studying opioid and opiate abuse and dependency. Requires task force to report to Legislative Assembly on or before September 15, 2018. Sunsets task force on December 31, 2018.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to drugs; creating new provisions; amending ORS 689.681 and sections 4 and 6, chapter 100,
3 Oregon Laws 2016; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5
6 **NALOXONE**

7
8 **SECTION 1.** ORS 689.681, as amended by section 2, chapter 100, Oregon Laws 2016, is amended
9 to read:

10 689.681. (1) As used in this section:

11 (a) "Opiate" means a narcotic drug that contains:

12 (A) Opium;

13 (B) Any chemical derivative of opium; or

14 (C) Any synthetic or semisynthetic drug with opium-like effects.

15 (b) "Opiate overdose" means a medical condition that causes depressed consciousness and men-
16 tal functioning, decreased movement, depressed respiratory function and the impairment of the vital
17 functions as a result of ingesting opiates in an amount larger than can be physically tolerated.

18 *[(2) The Oregon Health Authority shall establish by rule protocols and criteria for training on*

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 *lifesaving treatments for opiate overdose. The criteria must specify:]*

2 *[(a) The frequency of required retraining or refresher training; and]*

3 *[(b) The curriculum for the training, including:]*

4 *[(A) The recognition of symptoms and signs of opiate overdose;]*

5 *[(B) Nonpharmaceutical treatments for opiate overdose, including rescue breathing and proper po-*
6 *sitioning of the victim;]*

7 *[(C) Obtaining emergency medical services;]*

8 *[(D) The proper administration of naloxone to reverse opiate overdose; and]*

9 *[(E) The observation and follow-up that is necessary to avoid the recurrence of overdose*
10 *symptoms.]*

11 *[(3) Training that meets the protocols and criteria established by the authority under subsection (2)*
12 *of this section must be subject to oversight by a licensed physician or certified nurse practitioner and*
13 *may be conducted by public health authorities, organizations or other appropriate entities that provide*
14 *services to individuals who take opiates.]*

15 *[(4)] (2) Notwithstanding any other provision of law, a pharmacy, a health care professional or*
16 *a pharmacist with prescription and dispensing privileges or any other person designated by the State*
17 *Board of Pharmacy by rule may distribute [unit-of-use packages of naloxone,] and administer*
18 **naloxone** and **distribute** the necessary medical supplies to administer the naloxone[, *to a person*
19 *who:].*

20 *[(a) Conducts training that meets the protocols and criteria established by the authority under*
21 *subsection (2) of this section, so that the person may possess and distribute naloxone and necessary*
22 *medical supplies to persons who successfully complete the training; or]*

23 *[(b) Has successfully completed training that meets the protocols and criteria established by the*
24 *authority under subsection (2) of this section, so that the person may possess and administer naloxone*
25 *to any individual who appears to be experiencing an opiate overdose.]*

26 *[(5) A person who has successfully completed the training described in this section is immune from*
27 *civil liability for any act or omission committed during the course of providing the treatment pursuant*
28 *to the authority granted by this section, if the person is acting in good faith and the act or omission*
29 *does not constitute wanton misconduct.]*

30 **(3) A person acting in good faith, if the act does not constitute wanton misconduct, is**
31 **immune from civil liability for any act or omission of an act committed during the course**
32 **of distributing and administering naloxone and distributing the necessary medical supplies**
33 **to administer the naloxone under this section.**

34 **SECTION 2.** Section 4, chapter 100, Oregon Laws 2016, is amended to read:

35 **Sec. 4.** In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205,
36 a pharmacist may prescribe [unit-of-use packages of] naloxone[,] and the necessary medical supplies
37 to administer the naloxone[, *to a person who meets the requirements of ORS 689.681 (4)].*

38 **SECTION 3.** Section 6, chapter 100, Oregon Laws 2016, is amended to read:

39 **Sec. 6.** (1) For purposes of this section, “social services agency” includes, but is not limited to,
40 homeless shelters and crisis centers.

41 (2) An employee of a social services agency may administer to an individual [*a unit-of-use pack-*
42 *age of]* naloxone that was not distributed to the employee [*if:]* **if the individual appears to be ex-**
43 **periencing an opiate overdose as defined in ORS 689.681.**

44 *[(a) The employee conducts or has successfully completed opiate overdose training under ORS*
45 *689.681;]*

