

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 711

By: Rosino of the Senate

and

Boatman of the House

COMMITTEE SUBSTITUTE

An Act relating to substance abuse services; defining term; requiring the Department of Mental Health and Substance Abuse Services to provide emergency opioid antagonists to the Department of Corrections and county jails subject to certain condition; requiring the Department of Mental Health and Substance Abuse Services to prepare and provide opioid overdose education program; describing program; amending 57 O.S. 2021, Section 4.1, which relates to prisons and reformatories; requiring the Department of Corrections and county jails to provide emergency opioid antagonists to certain persons upon discharge subject to certain condition; authorizing stocking and provision of emergency opioid antagonists; requiring provision of opioid overdose education program to certain persons; providing certain construction; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-401.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

1 A. As used in this section, "emergency opioid antagonist" means
2 a drug including but not limited to naloxone that blocks the effects
3 of opioids and that is approved by the United States Food and Drug
4 Administration for the treatment of an opioid overdose.

5 B. Subject to allocation of federal funding for the purchase of
6 emergency opioid antagonists, the Department of Mental Health and
7 Substance Abuse Services shall provide emergency opioid antagonists
8 to the Department of Corrections and to county jails for the purpose
9 of implementing Section 2 of this act.

10 C. The Department of Mental Health and Substance Abuse Services
11 shall prepare and provide an opioid overdose education program to
12 the Department of Corrections and to county jails for the purpose of
13 implementing Section 2 of this act. The education program shall:

14 1. Conform to guidelines of the Substance Abuse and Mental
15 Health Services Administration for opioid overdose education;

16 2. Explain the causes of an opioid overdose;

17 3. Instruct when and how to administer in accordance with
18 medical best practices:

19 a. life-saving rescue techniques, and

20 b. an emergency opioid antagonist;

21 4. Explain how to contact appropriate emergency medical
22 services; and

23 5. Provide information on how to access emergency opioid
24 antagonists.

1 SECTION 2. AMENDATORY 57 O.S. 2021, Section 4.1, is
2 amended to read as follows:

3 Section 4.1. A. In addition to other medical and health care
4 services required by a jail facility as may be provided by rule by
5 the State Department of Health, the person responsible for
6 administration for a jail shall administer medications according to
7 the following:

8 1. Prescription medications shall be provided to the prisoner
9 as directed by a physician or designated medical authority. The
10 prisoner shall be observed to ensure the prisoner takes the
11 medication. The physician or designated medical authority shall be
12 particularly aware through his or her training of the impact of
13 opiate or methadone withdrawal symptoms that may occur in regard to
14 the mental and physical health of the prisoner. The physician or
15 medical authority shall prescribe and administer appropriate
16 medications to the prisoner pursuant to Section 5-204 of Title 43A
17 of the Oklahoma Statutes as the medical authority deems appropriate
18 to address those symptoms. Neither prescription nor over-the-
19 counter medications shall be kept by a prisoner in a cell with the
20 exception of prescribed nitroglycerin tablets and prescription
21 inhalers. Over-the-counter medications shall not be administered
22 without a physician's approval unless using prepackaged medications;

1 2. Medical reception information shall be recorded on a printed
2 screening form approved by the physician or designated medical
3 authority which shall include inquiry into:

- 4 a. current illnesses and health problems including
- 5 medications taken and any special health requirements,
- 6 b. behavioral observation, including state of
- 7 consciousness and mental status,
- 8 c. body deformities and trauma markings such as bruises,
- 9 lesions, jaundice, and ease of body movement,
- 10 d. condition of skin and visible body orifices, including
- 11 infestations, and
- 12 e. disposition or referral of prisoners to qualified
- 13 medical personnel on an emergency basis; and

14 3. For purposes of this section, "physician or other licensed
15 medical personnel" means a psychiatrist, medical doctor, osteopathic
16 physician, physician's assistant, registered nurse, licensed
17 practical nurse, emergency medical technician at the paramedical
18 level or clinical nurse specialist.

19 B. 1. Subject to the provision of emergency opioid antagonists
20 by the Department of Mental Health and Substance Abuse Services
21 under Section 1 of this act:

- 22 a. the Department of Corrections, upon the discharge of
- 23 an inmate from an institution within the Department
- 24 who has been diagnosed with an opioid use disorder,

1 regardless of whether that inmate has received
2 treatment for the disorder, shall provide the inmate,
3 as the inmate leaves the institution, with two doses
4 of an emergency opioid antagonist, and

5 b. a county jail:

6 (1) upon the discharge of any person who is confined
7 in the jail pursuant to a sentence who has been
8 diagnosed with an opioid use disorder, regardless
9 of whether that person has received treatment for
10 the disorder, or

11 (2) upon the discharge of any person who is confined
12 in the jail for an offense related to possession
13 of an opioid drug other than:

14 (a) a person who is confined in the jail
15 pursuant to a sentence, or

16 (b) a person who is being transferred to the
17 custody of the Department of Corrections,

18 shall provide the person, as the person leaves the
19 jail, with two doses of an emergency opioid
20 antagonist.

21 2. Notwithstanding the provision of emergency opioid
22 antagonists by the Department of Mental Health and Substance Abuse
23 Services as provided by Section 1 of this act, the Department of
24 Corrections and county jails may stock and provide emergency opioid

1 antagonists to inmates or persons upon discharge from the
2 institution or jail as described in paragraph 1 of this subsection.

3 3. Before the Department of Corrections or a county jail
4 provides an emergency opioid antagonist to an inmate or person as
5 described in paragraph 1 or 2 of this subsection, the Department of
6 Corrections or the jail shall ensure that the inmate or person is
7 provided with the opioid overdose education program provided by the
8 Department of Mental Health and Substance Abuse Services under
9 Section 1 of this act.

10 4. Nothing in this subsection is intended to abrogate or
11 supersede any existing authority of the Department of Corrections or
12 a county jail to administer an emergency opioid antagonist to a
13 person experiencing an opioid overdose.

14 SECTION 3. This act shall become effective November 1, 2023.

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