

1 ENGROSSED SENATE
2 BILL NO. 711

By: Rosino of the Senate

3 and

4 Boatman of the House

5
6 An Act relating to substance abuse services; defining
7 term; requiring the Department of Mental Health and
8 Substance Abuse Services to provide emergency opioid
9 antagonists to the Department of Corrections and
10 county jails subject to certain condition; requiring
11 the Department of Mental Health and Substance Abuse
12 Services to prepare and provide opioid overdose
13 education program; describing program; amending 57
14 O.S. 2021, Section 4.1, which relates to prisons and
15 reformatories; requiring the Department of
16 Corrections and county jails to provide emergency
17 opioid antagonists to certain persons upon discharge
18 subject to certain condition; authorizing stocking
19 and provision of emergency opioid antagonists;
20 requiring provision of opioid overdose education
21 program to certain persons; providing certain
22 construction; providing for codification; and
23 providing an effective date.
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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:

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

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

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

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

12 2. Explain the causes of an opioid overdose;

13 3. Instruct when and how to administer in accordance with
14 medical best practices:

15 a. life-saving rescue techniques, and

16 b. an emergency opioid antagonist;

17 4. Explain how to contact appropriate emergency medical
18 services; and

19 5. Provide information on how to access emergency opioid
20 antagonists.

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

23 Section 4.1. A. In addition to other medical and health care
24 services required by a jail facility as may be provided by rule by

1 the State Department of Health, the person responsible for
2 administration for a jail shall administer medications according to
3 the following:

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

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

- 22 a. current illnesses and health problems including
23 medications taken and any special health requirements,
24

- b. behavioral observation, including state of consciousness and mental status,
- c. body deformities and trauma markings such as bruises, lesions, jaundice, and ease of body movement,
- d. condition of skin and visible body orifices, including infestations, and
- e. disposition or referral of prisoners to qualified medical personnel on an emergency basis; and

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

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

- a. the Department of Corrections, upon the discharge of an inmate from an institution within the Department who has been diagnosed with an opioid use disorder, regardless of whether that inmate has received treatment for the disorder, shall provide the inmate, as the inmate leaves the institution, with two doses of an emergency opioid antagonist, and
- b. a county jail:

1 (1) upon the discharge of any person who is confined
2 in the jail pursuant to a sentence who has been
3 diagnosed with an opioid use disorder, regardless
4 of whether that person has received treatment for
5 the disorder, or

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

9 (a) a person who is confined in the jail
10 pursuant to a sentence, or

11 (b) a person who is being transferred to the
12 custody of the Department of Corrections,
13 shall provide the person, as the person leaves the
14 jail, with two doses of an emergency opioid
15 antagonist.

16 2. Notwithstanding the provision of emergency opioid
17 antagonists by the Department of Mental Health and Substance Abuse
18 Services as provided by Section 1 of this act, the Department of
19 Corrections and county jails may stock and provide emergency opioid
20 antagonists to inmates or persons upon discharge from the
21 institution or jail as described in paragraph 1 of this subsection.

22 3. Before the Department of Corrections or a county jail
23 provides an emergency opioid antagonist to an inmate or person as
24 described in paragraph 1 or 2 of this subsection, the Department of

1 Corrections or the jail shall ensure that the inmate or person is
2 provided with the opioid overdose education program provided by the
3 Department of Mental Health and Substance Abuse Services under
4 Section 1 of this act.

5 4. Nothing in this subsection is intended to abrogate or
6 supersede any existing authority of the Department of Corrections or
7 a county jail to administer an emergency opioid antagonist to a
8 person experiencing an opioid overdose.

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

10 Passed the Senate the 8th day of March, 2023.

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13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2023.

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18 Presiding Officer of the House
19 of Representatives
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