

1 **SENATE FLOOR VERSION**

2 February 15, 2024

3 SENATE BILL NO. 1740

By: Gollihare of the Senate

4 and

5 Boatman of the House

6
7
8 An Act relating to substance abuse services; amending
9 63 O.S. 2021, Sections 1-2506.1 and 1-2506.2, as
10 amended by Section 1, Chapter 74, O.S.L. 2023 (63
11 O.S. Supp. 2023, Section 1-2506.2), which relate to
12 administration of opioid antagonists; defining terms;
13 making certain terminology uniform; clarifying
14 applicability of certain liability protections;
15 amending 76 O.S. 2021, Section 5, which relates to
16 the Good Samaritan Act; broadening applicability of
17 certain liability protections; defining term;
18 updating statutory language and references; making
19 language gender neutral; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-2506.1, is
22 amended to read as follows:

23 Section 1-2506.1. A. As used in this section:

24 1. "Certified alcohol and drug counselor" means any person who
is not exempt pursuant to the provisions of Section 1872 of Title 59
of the Oklahoma Statutes and is not licensed under the Licensed
Alcohol and Drug Counselors Act, but who provides alcohol and drug
counseling services within the scope of practice while employed by

1 an entity certified by the Department of Mental Health and Substance
2 Abuse Services, or who is exempt from such certification, or who is
3 under the supervision of a person recognized by the Oklahoma Board
4 of Licensed Alcohol and Drug Counselors as a supervisor. A
5 certified alcohol and drug counselor may provide counseling services
6 for co-occurring disorders if he or she has been certified by the
7 Board to provide counseling as provided in this section for co-
8 occurring disorders;

9 2. "Emergency opioid antagonist" means a drug including, but
10 not limited to, naloxone that blocks the effects of opioids and that
11 is approved by the United States Food and Drug Administration for
12 the treatment of an opioid overdose;

13 3. "Licensed alcohol and drug counselor" means any person who
14 provides alcohol and drug counseling services within the scope of
15 practice, including co-occurring disorders, for compensation to any
16 person and is licensed pursuant to the provisions of the Licensed
17 Alcohol and Drug Counselors Act. The term ~~"licensed alcohol and~~
18 ~~drug counselor"~~ licensed alcohol and drug counselor shall not
19 include those professions exempted by Section 1872 of Title 59 of
20 the Oklahoma Statutes; and

21 ~~3.~~ 4. "Medical personnel at schools" means a certified school
22 nurse or any other nurse employed by or under contract with a
23 school, any licensed practitioner of the healing arts, or any person
24 designated by the school administration to administer an ~~opiate~~

1 emergency opioid antagonist in the event of a suspected overdose
2 pursuant to ~~Section 2 of this act~~ Section 1210.242 of Title 70 of
3 the Oklahoma Statutes.

4 B. First responders shall have the authority to administer,
5 without prescription, ~~opiate~~ emergency opioid antagonists when
6 encountering an individual exhibiting signs of an ~~opiate~~ opioid
7 overdose.

8 C. First responders may provide, without prescription, ~~opiate~~
9 emergency opioid antagonists to individuals who have experienced or
10 witnessed an ~~opiate~~ opioid overdose for use by those individuals at
11 a later date.

12 D. For the purposes of this ~~provision~~ section, a first
13 responder shall include:

14 1. Law enforcement officials;

15 2. Emergency medical technicians;

16 3. Firefighters;

17 4. Medical personnel at schools including any public or charter
18 schools, technology center schools and institutions of higher
19 education;

20 5. Forensic laboratory personnel of the Oklahoma State Bureau
21 of Investigation as designated by the ~~Executive~~ Director;

22 6. Personnel of the Department of Corrections or of any entity
23 that contracts with the Department of Corrections to provide housing
24 or services for inmates of the Department of Corrections; and

1 7. Certified alcohol and drug counselors and licensed alcohol
2 and drug counselors.

3 E. Any first responder ~~administering or providing an opiate~~
4 antagonist who administers or provides an emergency opioid
5 antagonist in good faith and in a manner consistent with addressing
6 opiate opioid overdose shall be covered under the Good Samaritan Act
7 not be liable for any civil damages as a result of any acts or
8 omissions by such first responder except for committing gross
9 negligence or willful wanton wrongs in administering or providing
10 such emergency opioid antagonist.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-2506.2, as
12 amended by Section 1, Chapter 74, O.S.L. 2023 (63 O.S. Supp. 2023,
13 Section 1-2506.2), is amended to read as follows:

14 Section 1-2506.2. A. As used in this section, "emergency
15 opioid antagonist" means a drug including, but not limited to,
16 naloxone that blocks the effects of opioids and that is approved by
17 the United States Food and Drug Administration for the treatment of
18 an opioid overdose.

19 B. Upon request, a provider may prescribe an emergency opioid
20 antagonist to an individual for use by that individual when
21 encountering a family member exhibiting signs of an opioid overdose.

22 ~~B.~~ C. When an emergency opioid antagonist is prescribed in
23 accordance with ~~subsection A~~ subsection B of this section, the
24 provider shall provide:

- 1 1. Information on how to spot symptoms of an overdose;
- 2 2. Instruction in basic resuscitation techniques;
- 3 3. Instruction on proper emergency opioid antagonist
- 4 administration; and
- 5 4. The importance of calling ~~nine one one (911)~~ 9-1-1 for help.

6 ~~C.~~ D. Any family member ~~administering an~~ who administers an

7 emergency opioid antagonist in good faith and in a manner consistent

8 with addressing opioid overdose shall ~~be covered under the Good~~

9 ~~Samaritan Act~~ not be liable for any civil damages as a result of any

10 acts or omissions by such family member in administering such

11 emergency opioid antagonist.

12 ~~D.~~ E. Any provider ~~prescribing or administering~~ who prescribes

13 or administers an opioid antagonist in good faith and in a manner

14 consistent with addressing opioid overdose shall ~~be covered under~~

15 ~~the Good Samaritan Act~~ not be liable for any civil damages as a

16 result of any acts or omissions by such provider except for

17 committing gross negligence or willful wanton wrongs in prescribing

18 or administering such emergency opioid antagonist.

19 SECTION 3. AMENDATORY 76 O.S. 2021, Section 5, is

20 amended to read as follows:

21 Section 5. ~~(a)~~ A. Everyone is responsible, not only for the

22 result of his or her willful acts, but also for an injury occasioned

23 to another by his or her want of ordinary care or skill in the

24 management of his or her property or person, except so far as the

1 latter has, willfully or by want of ordinary care, brought the
2 injury upon himself or herself, and except as hereinafter provided.

3 ~~(1)~~ 1. Where no prior contractual relationship exists, any
4 person licensed to practice any method of treatment of human
5 ailments, disease, pain, injury, deformity, mental or physical
6 condition, or licensed to render services ancillary thereto,
7 including licensed registered and practical nurses, who, under
8 emergency circumstances that suggest the giving of aid is the only
9 alternative to probable death or serious bodily injury, in good
10 faith, voluntarily and without compensation, renders or attempts to
11 render emergency care to an injured person or any person who is in
12 need of immediate medical aid, wherever required, shall not be
13 liable for damages as a result of any acts or omissions except for
14 committing gross negligence or willful or wanton wrongs in rendering
15 the emergency care.

16 ~~(2)~~ 2. Where no prior contractual relationship exists, any
17 person who in good faith renders or attempts to render emergency
18 care consisting of artificial respiration, restoration of breathing,
19 use of an emergency opioid antagonist to prevent opioid overdose, or
20 preventing or retarding the loss of blood, or aiding or restoring
21 heart action or circulation of blood to the victim or victims of an
22 accident or emergency, wherever required, shall not be liable for
23 any civil damages as a result of any acts or omissions by such
24 person in rendering the emergency care. As used in this paragraph,

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

5 ~~(3)~~ 3. Where no prior contractual relationship exists, any
6 person licensed to perform surgery or dentistry in this state who in
7 good faith renders emergency care requiring the performance of an
8 operation or other form of surgery upon any individual who was the
9 victim of an accidental act shall not be liable for any civil
10 damages or subject to criminal prosecution as the result of
11 nonconsent whereby such person renders or attempts to render the
12 emergency surgery or operation voluntarily and without compensation,
13 wherever required, except for gross negligence or willful or wanton
14 wrongs committed in rendering the care; provided, however, that the
15 exemption granted by this subsection shall not attach if the victim
16 is an adult who is conscious and capable of giving or refusing his
17 or her consent; or if the victim's spouse, or parent, or guardian in
18 the case of a minor or incompetent person, can be reached in a
19 reasonable time considering the condition of the victim and
20 consistent with good medical practice, and unless concurrence is
21 obtained for such emergency surgery or operation from one other
22 person licensed to perform surgery in this state.

23 ~~(4)~~ 4. Where no contractual relationship exists, any person, or
24 any member of his or her immediate family or household, who has been

1 approved by the local P.T.A. or other local sponsoring agency or
2 organization, who has registered with the local municipal police
3 chief or the county sheriff, and who has been granted appropriate
4 authorization by either the police chief or the county sheriff to
5 indicate by sign in the window of his or her home or in any other
6 tangible or identifiable manner that he or she will extend aid and
7 refuge to persons on the streets in apparent danger, or in need of
8 aid, by inviting those persons into the person's home, or onto
9 premises thereof, and in good faith provides such refuge or aid
10 without objection of the endangered or needy person, whether child
11 or adult, neither the person extending the aid and refuge nor the
12 homeowner or head of household shall be liable for civil damages as
13 a result of actions or omissions in rendering emergency physical
14 care to the body of the aided person; nor shall they be liable for
15 civil damages for any other injury in the home, or on premises
16 thereof, to the person aided, nor for any failure to provide or
17 arrange for his or her police protection or other protection or
18 medical treatment, when the actions or omissions were those of an
19 ordinarily reasonably prudent person under the circumstances without
20 want of ordinary care or skill.

21 ~~(b)~~ B. This ~~act~~ section shall be known and may be cited as the
22 "Good Samaritan Act-".

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
4 February 15, 2024 - DO PASS
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