

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3812

By: Dollens

AS INTRODUCED

An Act relating to public health and safety; creating the Model Overdose Mapping and Response Act; providing definitions; directing the Oklahoma Department of Mental Health and Substance Abuse Services establish a response system; requiring certain reporting; providing for implementation; limiting liability; defining certain conduct as unprofessional; requiring reports to Legislature; providing for authorization of response system; specifying contents of reports; providing for confidentiality; providing for severability; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Model Overdose Mapping and Response Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2525.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1 1. "Application programming interface" or "API" means a set of
2 tools, definitions, and protocols for building and integrating
3 application software and services with different software programs;

4 2. "Coroner" means the elected or appointed officer in each
5 county whose responsibility is to investigate the cause of death;

6 3. "Emergency department personnel" means paid or volunteer
7 health care professionals licensed by this state who work in an
8 emergency department, including, but not limited to, physicians,
9 nurses, and medical assistants;

10 4. "Information technology platform" means the
11 Washington/Baltimore High Intensity Drug Trafficking Areas' Overdose
12 Detection Mapping Application Program (ODMAP) which has the ability
13 to:

14 a. allow secure access to the system by authorized users
15 to report information about an overdose incident as
16 required by this act,

17 b. allow secure access to the system by authorized users
18 to view, in near real time, certain information about
19 overdose incidents reported pursuant to this act,

20 c. produce a map in near real time of the approximate
21 locations of confirmed or suspected overdose incidents
22 reported pursuant to this act,

23 d. interface with other information systems and
24 applications via an API, and
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1 e. enable access to overdose incident information that
2 assists in state and local decisions regarding the
3 allocation of public health, public safety, and
4 educational resources;

5 5. "Law enforcement officer" means a paid or volunteer
6 employee of a police department or sheriff's office, which is a part
7 of, or administered by, the State of Oklahoma or any political
8 subdivision thereof, or any full-time or part-time employee of a
9 private police department, and who is responsible for the prevention
10 and detection of crime and the enforcement of the penal, traffic, or
11 highway laws of the State of Oklahoma;

12 6. "Medical examiner" means an individual appointed pursuant
13 to Section 935 of Title 63 of the Oklahoma Statutes to perform death
14 investigations and establish the cause and manner of death, and
15 includes any person designated by such person to perform duties
16 pursuant to Section 935 of Title 63 of the Oklahoma Statutes;

17 7. "Overdose" means injury to the body that happens when one
18 or more substance is taken in an excessive amount. An overdose can
19 be fatal or nonfatal;

20 8. "Overdose incident" means an occurrence where a law
21 enforcement officer, person who administers emergency services,
22 coroner, or medical examiner encounters a person experiencing, or
23 who recently experienced, a confirmed or suspected overdose;

1 9. "Overdose reversal drug" means naloxone hydrochloride or
2 other similarly acting drug that is approved by the federal Food and
3 Drug Administration (FDA) for the emergency treatment of an
4 overdose;

5 10. "Overdose spike" means the occurrence of a significant
6 increase in the number of confirmed or suspected overdoses in a
7 certain timeframe that triggers the overdose spike response plan
8 within a specific geographic area;

9 11. "Overdose spike response plan" means a compilation of
10 recommendations for coordinated responses to overdose spikes
11 identified through use of the information technology platform; and

12 12. "Person who administers emergency services" means a paid
13 or volunteer professional, other than a law enforcement officer, who
14 is trained and licensed in this state to provide emergency services
15 to the public, including, but not limited to, a firefighter,
16 emergency medical technician, emergency medical responder,
17 paramedic, or emergency department personnel.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-2525.2 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Department of Mental Health and Substance Abuse
22 Services is directed to:

1 1. Ascertain and document the number, trends, patterns, and
2 risk factors associated with known and suspected overdoses in
3 Oklahoma, both fatal and nonfatal; and

4 2. Develop strategies for public health and public safety
5 interventions that may be effective in reducing the rate of fatal or
6 nonfatal overdoses.

7 B. No later than twelve (12) months after the effective date
8 of this act, the Oklahoma Department of Mental Health and Substance
9 Abuse Services shall develop an overdose mapping and response system
10 in which a central repository containing information about overdose
11 incidents is established and maintained using the information
12 technology platform.

13 C. No later than twenty-four (24) months after the effective
14 date of this act, the overdose mapping and response system will
15 capture information about all overdose incidents in at least eighty
16 percent (80%) of the counties in the state.

17 D. The overdose mapping and response system shall be designed
18 to avoid data entry duplication wherever possible, which may include
19 using one or more APIs to transfer information about overdose
20 incidents that are currently reported to active databases existing
21 in Oklahoma to the information technology platform.

22 E. A law enforcement officer who responds to an overdose
23 incident shall report information about the overdose incident to the
24 information technology platform, as directed by subsection H of this
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1 section, as soon as possible but no later than twenty-four (24)
2 hours after the overdose incident, to the extent that such
3 information is known.

4 F. A person who administers emergency services while
5 responding to an overdose incident, or who transports a person
6 experiencing a confirmed or suspected overdose to a medical
7 facility, shall report information about the overdose incident to
8 the information technology platform, as directed by subsection H of
9 this section, as soon as possible but no later than twenty-four (24)
10 hours after the overdose incident, to the extent that such
11 information is known.

12 G. When a coroner or medical examiner determines that the
13 cause of death of a person was the result of an overdose, the
14 coroner or medical examiner must report information about the
15 overdose incident to the information technology platform, as
16 directed by subsection H of this section, or give such information
17 to a person authorized to report it, as soon as possible but no
18 later than twenty-four (24) hours after the determination of death,
19 to the extent that such information is known.

20 H. The following information about an overdose incident shall
21 be reported by the individuals identified in subsections E, F, and G
22 of this section, using the information technology platform:

- 23 1. The date and time of the overdose incident;
- 24 2. The location of the overdose incident;
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1 3. Whether an overdose reversal drug was administered and, if
2 so, the number of doses and the type of delivery;

3 4. Whether the confirmed or suspected overdose was fatal or
4 nonfatal;

5 5. The gender and approximate age of the person suffering the
6 overdose incident; and

7 6. The suspected substance involved.

8 I. A person's or entity's report of information about an
9 overdose incident pursuant to this act does not preempt or replace
10 any other reporting requirement applicable to that person or entity.

11 J. During the course of implementing the overdose mapping and
12 response system, the Department:

13 1. Shall consult with all affected entities, including, but
14 not limited to, law enforcement agencies, health care providers,
15 emergency service providers, public health agencies, coroners,
16 medical examiners, tribal authorities, state drug court judges, and
17 federal and state prosecutors;

18 2. Shall enter into, or direct other state, county, or local
19 entities to enter into, all participation agreements, data-sharing
20 agreements, and other memoranda of understanding necessary to fully
21 implement the overdose mapping response system; and

22 3. Shall promulgate rules, regulations, or standard operating
23 procedures necessary to carry out the requirements of this act; an
24 emergency exists requiring the promulgation of emergency rules to
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1 preserve the public peace, health, safety, and welfare; and to
2 prevent substantial harm to the public interest.

3 K. Persons or entities reporting information about an overdose
4 incident pursuant to this act in good faith shall not be subject to
5 civil or criminal liability or damages for making the report, unless
6 their acts or omissions constitute willful and wanton misconduct.

7 L. The failure of a person identified in subsection E, F, or G
8 of this section to report information about an overdose incident as
9 required by this act constitutes a form of unprofessional conduct,
10 and the Department may refer matters of noncompliance to the
11 appropriate state licensing board for investigation.

12 M. The Department will report to the Legislature regarding the
13 status of overdose mapping and response system implementation at six
14 (6) months, eighteen (18) months, and thirty (30) months after the
15 effective date of this act. The report at thirty (30) months is not
16 required if statewide adoption, as defined in subsection C of this
17 section, is attained prior to the eighteen-month report.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-2525.3 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. The information about overdose incidents reported pursuant
22 to this act will be available to users of the information technology
23 platform authorized to view the data in real time. The process by
24 which such authorized users are decided upon and designated shall be
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1 addressed in one or more of the participation agreements, data-
2 sharing agreements, and memoranda of understanding executed when
3 implementing the overdose mapping and response system.

4 B. Within twelve (12) months after the effective date of this
5 act, the Oklahoma Department of Mental Health and Substance Abuse
6 Services, in conjunction with state and local law enforcement
7 agencies and state and local public health departments, shall:

8 1. Determine parameters for identifying an overdose spike
9 throughout the state; and

10 2. Create overdose spike response plans that coordinate the
11 response of public health, public safety, emergency management,
12 first responders, community organizations, health care providers,
13 and the media with the goal of preventing and reducing the harm
14 caused by overdose spikes.

15 C. Commencing twelve (12) months after the effective date of
16 this act, and each year thereafter, the Department will prepare a
17 comprehensive report regarding the overdose mapping and response
18 system established pursuant to this act that is delivered to or
19 immediately accessible by:

20 1. The Legislature;

21 2. State, county, and local public health departments;

22 3. The single state authority on drugs and alcohol;

23 4. The Oklahoma Commission on Children and Youth; and
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1 5. Any other state or local agency designated by statute or
2 regulation.

3 D. Each report required under subsection C of this section
4 shall contain at least the following information:

5 1. The number of overdose incidents reported and the
6 approximate locations where the overdose incidents occurred,
7 including any clusters of overdose incidents;

8 2. The entities reporting information about overdose
9 incidents;

10 3. The percentage of overdose incidents involving fatal versus
11 nonfatal overdose; and

12 4. How the reported information about overdose incidents was
13 used for public health and public safety responses, the outcomes of
14 those responses, and the impact on affected communities.

15 E. In addition to using the overdose mapping and response
16 system as required in subsections B, C, and D of this section, the
17 Department may use the system to:

18 1. Establish public safety, public health, and behavioral
19 health partnerships within the state;

20 2. Assist local communities in identifying additional ways to
21 use information about overdose incidents to deploy public health,
22 behavioral health, and public safety interventions to address
23 specific geographic areas or high-risk individuals;

1 3. Assist in the distribution of overdose reversal drugs
2 throughout the state; and

3 4. Assist in implementing strategies to reduce drug supply and
4 demand, especially in high-risk areas and where there are high
5 volumes of elevated risk populations.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-2525.4 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Information about overdose incidents reported to the
10 overdose mapping and response system by a person or entity other
11 than a law enforcement officer shall not be used for a criminal
12 investigation or prosecution of any person who satisfies the
13 exemption from criminal liability contained in Section 5 of Title 76
14 of the Oklahoma Statutes.

15 B. Information about overdose incidents reported to, and
16 accessible through, the overdose mapping and response system shall
17 at all times remain confidential pursuant to all applicable federal,
18 state, and local laws and regulations pertaining to the collection,
19 storage, and dissemination of protected health information and
20 controlled unclassified information.

21 C. The reporting of information about overdose incidents as
22 provided for in this act does not in any way diminish the
23 protections afforded by Section 5 of Title 76 of the Oklahoma
24 Statutes pertaining to overdoses.

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SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2525.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

If any provision of this act or application thereof to any individual or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end, the provisions of this act are severable.

SECTION 7. This act shall become effective November 1, 2024.

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