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2027 Regular Session
44300-603
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D R A F T

SUMMARY

Digest: The Act says that it might be OK to give out an expired short-acting opioid antagonist. The Act also says when it is not OK to give out an expired short-acting opioid antagonist. (Flesch Readability Score: 61.9).

Defines "expired short-acting opioid antagonist." Provides that a person who, in good faith, distributes and administers an expired short-acting opioid antagonist is immune from criminal and civil liability. Allows specified entities to distribute expired short-acting opioid antagonist to other specified entities. Prohibits a pharmacist from distributing an expired short-acting opioid antagonist in order to fill a prescription for a short-acting opioid antagonist. Allows certain facilities to provide to a patient or resident upon discharge an expired short-acting opioid antagonist so long as the facility does not seek reimbursement for the expired short-acting opioid antagonist.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to expired short-acting opioid antagonists; creating new provisions; amending ORS 430.263, 441.052, 441.698, 443.454, 689.800, 689.802, 689.804 and 689.808; and prescribing an effective date.

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

SECTION 1. ORS 689.800 is amended to read:

689.800. (1) As used in this section:

(a) "Expired short-acting opioid antagonist":

(A) Means a short-acting opioid antagonist that:

(i) Is labeled by the manufacturer with an expiration date that is passed;

(ii) Is unopened and inside the intact manufacturer packaging, including any inner container and outer carton;

(iii) Shows no evidence of compromised packaging or damage to the drug or

device;

(iv) Has a container that matches the lot number, strength and expiration date printed on the container's outer carton;

(v) Has a manufacturer lot that is traceable and that has not been recalled;

(vi) Has a known storage history that complies with the manufacturer's storage requirements; and

(vii) Is clearly marked as expired; and

(B) Has the meaning given that term as further defined by the Oregon Health Authority by rule.

[*(a)*]**(b)** "Kit" means a package of one or more doses of a short-acting opioid antagonist **or expired short-acting opioid antagonist** and the necessary medical supplies to administer the short-acting opioid antagonist.

[*(b)*] **(c)** "Opioid" means a natural, synthetic or semisynthetic chemical that interacts with opioid receptors on nerve cells in the body and brain to reduce the intensity of pain signals and feelings of pain.

[*(c)*] **(d)** "Opioid overdose" means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids.

[*(d)*] **(e)** "Short-acting opioid antagonist" means any short-acting drug approved by the United States Food and Drug Administration for the complete or partial reversal of an opioid overdose.

(2) [*Notwithstanding*] **Subject to subsection (3) of this section and notwithstanding** any other provision of law, a pharmacy, a health care professional, a pharmacist with prescription and dispensing privileges, a law enforcement officer, a firefighter, an emergency medical services provider or any other person designated by the State Board of Pharmacy by rule may:

(a) Distribute and administer a short-acting opioid antagonist **or expired short-acting opioid antagonist** and distribute the necessary medical supplies to administer the short-acting opioid antagonist **or expired short-acting opioid antagonist**;

(b) Distribute multiple kits to:

(A) An individual who has experienced an opioid overdose or is likely to experience an

opioid overdose;

(B) Family members of an individual described in subparagraph (A) of this paragraph; and

(C) Any other individual who requests one or more kits; and

(c) Distribute multiple kits to social service agencies under ORS 689.804**, local public health authorities, tribal health authorities, community health centers, community mental health programs, law enforcement agencies, emergency medical services agencies or other governmental or nonprofit health or behavioral health entities** or to other persons who work with individuals who have experienced an opioid overdose. The [*social services agencies or other persons*] **entities and persons described in this paragraph** may redistribute the kits to individuals likely to experience an opioid overdose or to family members of the individuals.

(3) A health care professional or pharmacist with prescription and dispensing privileges may not distribute an expired short-acting opioid antagonist in order to fill a prescription for a short-acting opioid antagonist.

[*(3)*] **(4)**(a) A person acting in good faith, if the act does not constitute wanton misconduct, is immune from criminal and civil liability for any act or omission of an act committed during the course of distributing and administering a short-acting opioid antagonist**, including an expired short-acting opioid antagonist,** and distributing the necessary medical supplies to administer the short-acting opioid antagonist **or expired short-acting opioid antagonist** under this section.

(b) A person acting in good faith is immune from criminal and civil liability for the person's failure or refusal to distribute or administer a short-acting opioid antagonist**, including an expired short-acting opioid antagonist,** or distribute the necessary medical supplies to administer a short-acting opioid antagonist **or expired short-acting opioid antagonist** under this section, if the person's failure or refusal does not constitute wanton misconduct.

SECTION 2. ORS 689.802 is amended to read:

689.802. (1) As used in this section:

(a) **"Expired short-acting opioid antagonist" has the meaning given that term in ORS 689.800.**

(b) "Opioid" means a natural, synthetic or semisynthetic chemical that interacts with

opioid receptors on nerve cells in the body and brain to reduce the intensity of pain signals and feelings of pain.

[*(b)*] **(c)** "Opioid overdose" means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids.

[*(c)*] **(d)** "Short-acting opioid antagonist" means any short-acting drug approved by the United States Food and Drug Administration for the complete or partial reversal of an opioid overdose.

(2) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205, a pharmacist may prescribe a short-acting opioid antagonist and the necessary medical supplies to administer the short-acting opioid antagonist.

(3) If a prescription is presented to a pharmacist for dispensing an opiate or opioid in excess of a morphine equivalent dose established by rule by the board, the pharmacist may offer to prescribe and provide, in addition to the prescribed opiate or opioid, a short-acting opioid antagonist and the necessary medical supplies to administer the short-acting opioid antagonist.

(4) A pharmacist may not provide an expired short-acting opioid antagonist in order to fill a prescription for a short-acting opioid antagonist.

SECTION 3. ORS 689.804 is amended to read:

689.804. (1) [*For purposes of this section, "social services agency" includes, but is not limited to, homeless shelters and crisis centers.*]**For purposes of this section:**

(a) "Expired short-acting opioid antagonist" has the meaning given that term in ORS 689.800.

(b) "Opioid overdose" has the meaning given that term in ORS 689.800.

(c) "Short-acting opioid antagonist" has the meaning given that term in ORS 689.800.

(d) "Social services agency" includes, but is not limited to, homeless shelters and crisis centers.

(2) A person may administer to an individual a short-acting opioid antagonist[*, as defined in ORS 689.800,*] **or expired short-acting opioid antagonist** that was not distributed to the person if:

(a) The individual to whom the short-acting opioid antagonist **or expired short-acting opioid antagonist** is being administered appears to be experiencing an opioid overdose[*as defined in ORS 689.800*]; and

(b) The person who administers the short-acting opioid antagonist **or expired short-acting opioid antagonist** is an employee of a social services agency or is trained under rules adopted by the State Board of Education pursuant to ORS 339.869.

(3) For the purposes of protecting public health and safety, the Oregon Health Authority may adopt rules for the administration of short-acting opioid antagonists **and expired short-acting opioid antagonists** by employees of a social services agency under this section.

SECTION 4. ORS 689.808 is amended to read:

689.808. (1) As used in this section, **"expired short-acting opioid antagonist,"** "opioid," "opioid overdose" and "short-acting opioid antagonist" have the meanings given those terms in ORS 689.800.

(2)(a) The Public Health Officer appointed under ORS 431.045, or a physician licensed under ORS chapter 677 who is employed by the Oregon Health Authority, may issue a standing order to prescribe a short-acting opioid antagonist, and the necessary medical supplies to administer the short-acting opioid antagonist, to:

(A) An individual who is at risk of experiencing an opioid overdose;

(B) An individual who or entity that may encounter an individual who is likely to experience an opioid overdose; and

(C) The owner of a building or facility described in ORS 689.811.

(b) The Public Health Officer or physician may issue a standing order within certain geographic areas of the state or statewide, and may withdraw a standing order at any time.

(3) Upon the request of an individual or entity, a pharmacist shall dispense a short-acting opioid antagonist and the necessary medical supplies to administer the short-acting opioid antagonist pursuant to a standing order issued under subsection (2) of this section. **A pharmacist may not dispense an expired short-acting opioid antagonist pursuant to a standing order issued under subsection (2) of this section.**

(4) An individual or an entity may possess, store, deliver or distribute **to another individual or entity** a short-acting opioid antagonist **or expired short-acting opioid antag-**

onist and the necessary medical supplies to administer the short-acting opioid antagonist **or expired short-acting opioid antagonist**, and may administer a short-acting opioid antagonist **or expired short-acting opioid antagonist**, pursuant to a standing order issued under subsection (2) of this section.

(5)(a) An individual acting in good faith, if the act does not constitute wanton misconduct, is immune from criminal and civil liability for any act or omission of an act committed during the course of possessing, storing, delivering or distributing a short-acting opioid antagonist **or expired short-acting opioid antagonist** and the necessary medical supplies to administer the short-acting opioid antagonist **or expired short-acting opioid antagonist** and during the course of administering a short-acting opioid antagonist **or expired short-acting opioid antagonist**.

(b) An individual is immune from criminal and civil liability for the individual's failure or refusal to possess, store, deliver or distribute a short-acting opioid antagonist **or expired short-acting opioid antagonist** and the necessary medical supplies to administer the short-acting opioid antagonist **or expired short-acting opioid antagonist**, or failure or refusal to administer a short-acting opioid antagonist **or expired short-acting opioid antagonist**.

(6) The State Board of Pharmacy and the authority, in consultation with one another, may adopt rules to carry out this section.

SECTION 5. ORS 430.263 is amended to read:

430.263. (1) As used in this section, "facility" means a:

(a) Sobering facility registered under ORS 430.262; or

(b) Facility licensed, certified or otherwise authorized by a public body to provide detoxification services for substance use.

(2) Notwithstanding ORS 689.800, upon the discharge or release of an individual, a facility shall provide to the individual at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if the individual:

(a) Received addiction treatment at the facility for a current opioid use disorder; and

(b) Is discharged or released to an unlicensed private residence or other unlicensed setting.

(3)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability

for any act or omission of an act committed during the course of providing to an individual opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (2) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(4) The requirements of subsection (2) of this section do not apply if an individual leaves the facility against the facility's advice.

(5) In order to meet the requirements of subsection (2) of this section, a facility may provide to an individual an expired short-acting opioid antagonist, as defined in ORS 689.800. The facility may not seek reimbursement for the cost of the expired short-acting opioid antagonist from the Oregon Health Authority, a coordinated care organization, as defined in ORS 414.025, or a health insurer.

SECTION 6. ORS 441.052 is amended to read:

441.052. (1) Upon the discharge or release of a patient, a hospital licensed under this chapter shall provide to the patient at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

(a) The hospital actively treated the patient for the patient's opioid use disorder; and

(b) The patient is discharged or released to an unlicensed private residence or other unlicensed setting.

(2)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a patient opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (1) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(3) The requirements of subsection (1) of this section do not apply if a patient leaves the hospital against medical advice.

(4) In order to meet the requirements of subsection (1) of this section, a hospital may provide to an individual an expired short-acting opioid antagonist, as defined in ORS 689.800. The hospital may not seek reimbursement for the cost of the expired

short-acting opioid antagonist from the Oregon Health Authority, a coordinated care organization, as defined in ORS 414.025, or a health insurer.

SECTION 7. ORS 441.698 is amended to read:

441.698. (1) Notwithstanding ORS 689.800, upon the discharge or transfer of a resident, a long term care facility shall provide to the resident at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

(a) The resident received addiction treatment at the long term care facility for a current opioid use disorder; and

(b) The resident is being discharged or transferred to an unlicensed private residence or other unlicensed setting.

(2)(a) Except as provided in paragraph (b) of this subsection, a person that is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a resident opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (1) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(3) The requirements of subsection (1) of this section do not apply if a resident leaves the long term care facility against the long term care facility's advice.

(4) In order to meet the requirements of subsection (2) of this section, a long term care facility may provide to an individual an expired short-acting opioid antagonist, as defined in ORS 689.800. The long term care facility may not seek reimbursement for the cost of the expired short-acting opioid antagonist from the Oregon Health Authority, a coordinated care organization, as defined in ORS 414.025, or a health insurer.

SECTION 8. ORS 443.454 is amended to read:

443.454. (1) As used in this section, "facility" means a residential care facility, residential treatment facility or residential treatment home licensed under ORS 443.410.

(2) Notwithstanding ORS 689.800, upon the discharge or release of a resident, a facility shall provide to the resident at least two doses of an opioid overdose reversal medication and the necessary medical supplies to administer the medication if:

(a) The resident received addiction treatment at the facility for a current opioid use disorder; and

(b) The resident is discharged, released or transferred to an unlicensed private residence or other unlicensed setting.

(3)(a) Except as provided in paragraph (b) of this subsection, a person who is acting in good faith, if the act does not constitute wanton misconduct, is immune from civil liability for any act or omission of an act committed during the course of providing to a resident opioid overdose reversal medications, and the necessary medical supplies to administer the medications, under subsection (2) of this section.

(b) This subsection does not apply to a person involved in the manufacture or sale of opioid overdose reversal medication.

(4) The requirements of subsection (2) of this section do not apply if a resident leaves the facility against the facility's advice.

(5) In order to meet the requirements of subsection (2) of this section, a facility may provide to an individual an expired short-acting opioid antagonist, as defined in ORS 689.800. The facility may not seek reimbursement for the cost of the expired short-acting opioid antagonist from the Oregon Health Authority, a coordinated care organization, as defined in ORS 414.025, or a health insurer.

SECTION 9. The amendments to ORS 430.263, 441.052, 441.698, 443.454, 689.800, 689.802, 689.804 and 689.808 by sections 1 to 8 of this 2027 Act apply to conduct occurring on or after the effective date of this 2027 Act.

SECTION 10. (1) The amendments to ORS 430.263, 441.052, 441.698, 443.454, 689.800, 689.802, 689.804 and 689.808 by sections 1 to 8 of this 2027 Act become operative on January 1, 2028.

(2) The Oregon Health Authority and the State Board of Pharmacy may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority and the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority and the board by the amendments to ORS 430.263, 441.052, 441.698, 443.454, 689.800, 689.802, 689.804 and 689.808 by sections 1 to 8 of this 2027 Act.

SECTION 11. This 2027 Act takes effect on the 91st day after the date on which

the 2027 regular session of the Eighty-fourth Legislative Assembly adjourns sine die.