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LC 229: Ensuring Safe Use and Redistribution of Expired Naloxone to Strengthen Overdose Response

Establishing a clear legal pathway and good-faith liability protections for distributing, redistributing, and using naloxone safely after its labeled expiration date will increase access to overdose reversal medication, strengthen community-based overdose prevention efforts, and maximize public and community investments in naloxone.

Legal uncertainty drives unnecessary disposal of expired naloxone and reduces community supply

Naloxone is one of the most effective tools for preventing opioid overdose deaths and is widely recognized as a first-line intervention in overdose response. Public health guidance consistently emphasizes that when in-date medication is not available, expired naloxone is far preferable to no naloxone at all. However, Oregon lacks an explicit statutory pathway for the distribution, redistribution, or use of expired naloxone. This creates uncertainty and fear of liability among providers, community organizations and first responders.

Evidence shows that naloxone remains stable and effective beyond its labeled expiration date. One 2022 study found that naloxone nasal spray stayed within expected strength levels for up to 10 months after expiration, and injectable naloxone stayed within expected strength levels for up to 19 months after expiration, with no harmful impurities. These findings align with United States Pharmacopeia standards and the U.S. Food and Drug Administration's Shelf-

Life Extension Program, which has repeatedly demonstrated that many medications remain effective beyond labeled expiration dates.

Due to lack of clarity in Oregon law regarding expired naloxone, organizations often dispose of expired supplies rather than redistribute or use them. This practice increases costs for community-based organizations and public agencies while reducing the supply of a life-saving medication available for overdose response. These impacts are especially concerning given persistent disparities in Oregon's overdose epidemic, where Black/African American and American Indian/Alaska Native communities experience significantly higher mortality rates than the statewide average, alongside disproportionate impacts on rural residents. Broader community access to naloxone reduces overdose deaths and improves survival.

Establishing a safe harbor and clear legal pathway allows the use and redistribution of expired naloxone

This proposal creates a clear legal pathway and good-faith liability protections for distributing, redistributing, and using expired naloxone in Oregon. It clarifies that these activities are authorized under state law and protects individuals and organizations from civil, criminal or administrative liability when they act in good faith during an opioid overdose response. It also enables Oregon Health Authority to issue guidance on the appropriate distribution, redistribution, and community use of expired naloxone.

Beyond improving legal clarity, the proposal supports fiscal stewardship by reducing unnecessary disposal of naloxone that remains effective beyond its labeled expiration date. This maximizes the impact of public investments in overdose prevention by preserving usable supplies, reducing replacement costs, and directing resources toward frontline overdose response rather than avoidable waste of medication.

For more information:

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