

As Passed by the Senate

136th General Assembly

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Am. S. B. No. 137

Senator Johnson

**Cosponsors: Senators Huffman, Ingram, Antonio, Blackshear, Cirino, Craig,
DeMora, Hicks-Hudson, Landis, O'Brien, Reineke, Reynolds, Timken, Weinstein,
Wilson**

A BILL

To enact sections 3727.81, 3727.811, and 5119.192 1
of the Revised Code to require hospitals to 2
provide overdose reversal drugs under certain 3
circumstances. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3727.81, 3727.811, and 5119.192 5
of the Revised Code be enacted to read as follows: 6

Sec. 3727.81. (A) As used in this section and section 7
3727.811 of the Revised Code: 8

(1) "Health benefit plan" has the same meaning as in 9
section 3922.01 of the Revised Code. 10

(2) "Overdose reversal drug" has the same meaning as in 11
section 4729.01 of the Revised Code. 12

(B) (1) Except as provided in division (B) (2) of this 13
section, at the time of a patient's discharge from a hospital's 14
emergency department, the hospital shall provide to the patient 15
an overdose reversal drug if the patient presented to its 16

emergency department with one or more symptoms of an opioid 17
overdose, opioid use disorder, or other adverse event related to 18
opioid use. 19

(2) A hospital is not required to provide an overdose 20
reversal drug to a patient under division (B) (1) of this section 21
if any of the following is the case: 22

(a) The patient's treating practitioner has determined, in 23
the practitioner's clinical and professional judgment, that 24
providing the drug is not appropriate. 25

(b) The patient's treating practitioner has confirmed that 26
the patient possesses an overdose reversal drug. 27

(c) The hospital has not received a supply of overdose 28
reversal drugs from any source, including the department of 29
behavioral health as described in section 5119.192 of the 30
Revised Code. 31

(d) The patient refuses to accept the overdose reversal 32
drug. 33

(C) In providing an overdose reversal drug under this 34
section, the hospital also shall provide the patient with 35
directions for the drug's use as well as information about 36
medications for opioid use disorder, harm reduction strategies, 37
and available services, such as treatment and peer counseling. 38

In the case of a patient described in division (B) (2) (d) 39
of this section, the hospital shall provide the patient with 40
information about medications for opioid use disorder, harm 41
reduction strategies, and available services, such as treatment 42
and peer counseling. 43

(D) (1) Subject to division (D) (2) of this section, in the 44

case of a patient who is covered by a health benefit plan or the 45
medicaid program and receives an overdose reversal drug under 46
this section, the hospital may seek reimbursement for the drug's 47
cost by submitting to the plan or program a claim for payment. 48
Payment of the claim is dependent on whether the patient's 49
health benefit plan or the medicaid program covers the drug and 50
the terms and conditions for that coverage. 51

(2) Under division (D) (1) of this section, a hospital may 52
seek reimbursement for the cost of an overdose reversal drug 53
only if the drug provided to the patient was from a supply 54
purchased by the hospital. 55

(E) This section does not do any of the following: 56

(1) Prohibit a hospital from providing an overdose 57
reversal drug at no cost to a patient or third-party payor from 58
a supply purchased by the hospital; 59

(2) Limit the authority of a hospital to provide overdose 60
reversal drugs as described in section 3715.50 of the Revised 61
Code; 62

(3) Affect a hospital's ability or responsibility to 63
provide financial assistance to a patient as required by state 64
or federal law. 65

(F) A hospital, including any of its employees, 66
contractors, and practitioners, is not liable for or subject to 67
any of the following for an act or omission that arises from 68
fulfilling the duties of or exercising any authority under this 69
section: damages in any civil action, prosecution in any 70
criminal proceeding, sanctions under this chapter or Chapter 71
3722. of the Revised Code, or professional disciplinary action. 72

Sec. 3727.811. A hospital that provides overdose reversal 73

drugs as described in section 3727.81 of the Revised Code shall 74
record each occurrence in which an overdose reversal drug was 75
provided and shall prepare reports compiling the records. The 76
hospital shall prepare and submit reports to the department of 77
health and department of behavioral health in accordance with 78
the standards and procedures established under section 5119.192 79
of the Revised Code. In preparing a report, a hospital shall not 80
include any information that identifies or tends to identify 81
specific individuals to whom overdose reversal drugs were 82
provided. 83

Sec. 5119.192. (A) As used in this section, "overdose 84
reversal drug" has the same meaning as in section 4729.01 of the 85
Revised Code. 86

(B) Subject to available funds, the department of 87
behavioral health shall provide overdose reversal drugs to 88
hospitals to be provided to patients as described in section 89
3727.81 of the Revised Code. 90

(C) The department of behavioral health, in coordination 91
with the department of health, shall establish standards and 92
procedures for reporting the occurrences in which overdose 93
reversal drugs were provided as required by section 3727.811 of 94
the Revised Code. 95