

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

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

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

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

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

(B)(1) Except as provided in division (B)(2) of this section, at the time of a patient's discharge from a hospital's emergency department, the hospital shall provide to the patient an overdose reversal drug if the patient presented to its emergency department with one or more symptoms of an opioid overdose, opioid use disorder, or other adverse event related to opioid use.

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

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

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

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

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

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

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

(D)(1) Subject to division (D)(2) of this section, in the case of a patient who is covered by a health benefit plan or the medicaid program and receives an overdose reversal drug under this section, the hospital may seek reimbursement for the drug's cost by submitting to the plan or program a claim for payment. Payment of the claim is dependent on whether the patient's health

benefit plan or the medicaid program covers the drug and the terms and conditions for that coverage.

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

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

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

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

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

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

Sec. 3727.811. A hospital that provides overdose reversal drugs as described in section 3727.81 of the Revised Code shall record each occurrence in which an overdose reversal drug was provided and shall prepare reports compiling the records. The hospital shall prepare and submit reports to the department of health and department of behavioral health in accordance with the standards and procedures established under section 5119.192 of the Revised Code. In preparing a report, a hospital shall not include any information that identifies or tends to identify specific individuals to whom overdose reversal drugs were provided.

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

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

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. S. B. No. 137

136th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____