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S.B. 137
136th General Assembly

Final Analysis

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Primary Sponsor: Sen. Johnson

Effective date: June 9, 2026

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SUMMARY

- Generally requires a hospital to provide an overdose reversal drug to a patient at the time of the patient's discharge, if the patient presented to the hospital's emergency department with symptoms of opioid use disorder or overdose.
- Requires the Department of Behavioral Health to provide overdose reversal drugs to hospitals, subject to available funds.
- Permits a hospital to seek insurance or Medicaid reimbursement for overdose reversal drug costs, but only if the drugs were provided to patients from a supply purchased by the hospital.
- Requires a hospital to record each occurrence of providing an overdose reversal drug, to compile those records, and to report them to the Department of Health and Department of Behavioral Health.

DETAILED ANALYSIS

Hospitals and overdose reversal drugs

The act requires a hospital to provide an overdose reversal drug to a patient at the time of discharge from the hospital's emergency department.¹ This requirement applies only if the patient presented to the department with symptoms of an opioid overdose, opioid use disorder, or other adverse event related to opioid use. For purposes of the act, an overdose reversal drug is defined as naloxone and any other drug designated by the State Board of Pharmacy as having been approved by the federal Food and Drug Administration for the reversal of an opioid-related overdose.²

¹ R.C. 3727.81(B)(1).

² R.C. 3727.81(A)(2); R.C. 4729.01, not in the act.

When a hospital provides a patient an overdose reversal drug, it also must provide the patient directions for the drug's use and information about (1) medications for opioid use disorder, (2) harm reduction strategies, and (3) available services such as treatment and peer counseling.³

Exceptions

A hospital is not required to provide an overdose reversal drug in any of the following circumstances:

- The patient's treating practitioner determines that providing the drug is not appropriate;
- The patient's treating practitioner has confirmed that the patient already possesses an overdose reversal drug;
- The hospital has not received a supply of overdose reversal drugs from any source;
- The patient refuses to accept the overdose reversal drug.

If a patient refuses the drug, the hospital must still provide the patient information about medications for opioid use disorder, harm reduction strategies, and available services.⁴

Supply and reimbursement

Subject to available funds, the act requires the Department of Behavioral Health to provide overdose reversal drugs to hospitals.⁵ A hospital also may purchase its own supply of overdose reversal drugs. If a hospital provides a patient a drug from a supply it purchased, the hospital may seek reimbursement for the drug's cost, by submitting a claim for payment to the patient's health benefit plan or the Medicaid program, if applicable. The act specifies that payment of the claim depends on whether the plan or program covers the drug and the terms and conditions for that coverage.⁶

Reporting

The act establishes reporting requirements for hospitals providing overdose reversal drugs. A hospital must record each occurrence in which the drug was provided, prepare reports compiling the records, and submit those reports to the Department of Health and Department of Behavioral Health. In preparing reports, a hospital must not include any information that identifies or tends to identify specific individuals to whom overdose reversal drugs were provided. The Department of Behavioral Health, in coordination with the Department of Health, must establish standards and procedures for the required reporting.⁷

³ R.C. 3727.81(C).

⁴ R.C. 3727.81(B)(2) and (C).

⁵ R.C. 5119.192(B).

⁶ R.C. 3727.81(D).

⁷ R.C. 3727.811 and 5119.192(C).

Scope

The act specifies that it does not 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. It also states that the act neither limits a hospital's authority to provide overdose reversal drugs in accordance with continuing Ohio law nor affects a hospital's ability or responsibility to provide financial assistance to a patient as required by state or federal law.⁸

Immunity

A hospital, including its employees, contractors, and practitioners, is not liable for or subject to any of the following for an act or omission that arises from providing overdose reversal drugs under the act: damages in any civil action, prosecution in any criminal proceeding, sanctions under continuing law governing the licensure and regulation of hospitals, or professional disciplinary action.⁹

HISTORY

Action	Date
Introduced	03-11-25
Reported, S. Health	10-08-25
Passed Senate (28-0)	10-08-25
Reported, H. Health	02-18-26
Passed House (80-11)	02-25-26

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⁸ R.C. 3727.81(E).

⁹ R.C. 3727.81(F).