

SUBJECT:	Requiring school districts to adopt policies on opioid antagonists
COMMITTEE:	Public Education — committee substitute recommended
VOTE:	8 ayes — Buckley, Cunningham, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Schaefer  0 nays  5 absent — Allen, Allison, Dutton, Longoria, Talarico
SENATE VOTE:	On final passage (April 4) — 31 - 0
WITNESSES:	None
BACKGROUND:	Some have suggested that requiring schools to adopt policies on opioid antagonists could help schools to be better prepared to address opioid overdoses that occur on campus.
DIGEST:	<p>CSHB 2411 would require school districts to adopt and implement a policy at each campus serving students in grades 6 through 12 on the maintenance, administration, and disposal of opioid antagonists, meaning any drug that inhibited the effects of opioids. The bill would allow school districts to implement a policy at each campus in the district, including campuses serving students in a grade level below 6. Open-enrollment charter schools or private schools would also be allowed to implement such a policy. If a private school or open-enrollment charter school adopted such a policy, the school could apply the policy either only at campuses serving students grades 6 through 12 or at each campus of the school.</p> <p><b>Opioid antagonist policies.</b> The policy would have to require each applicable school campus to have at least one school employee or volunteer authorized and trained to administer an opioid antagonist present during regular school hours, establish the number of opioid antagonists that would have to be available at each campus at any given</p>

time, and meet certain other requirements related to the storage and accessibility of opioid antagonists at a campus.

The executive commissioner of the Health and Human Services Commission (HHSC) would be required to consult with the Texas Education Agency (TEA) commissioner to adopt rules on the maintenance, administration, and disposal of opioid antagonists at a school campus subject to a policy under the bill. The rules would be required to establish the process for checking the inventory of opioid antagonists for expiration and replacement at regular intervals and the amount of training required for school personnel and volunteers to administer an opioid antagonist.

**Training.** Each school district, charter school, and private school that adopted an opioid antagonist policy would be responsible for training school personnel and volunteers in administering opioid antagonists. The training would have to include information on recognizing the signs and symptoms of opioid-related drug overdoses, administering an opioid antagonist, implementing necessary emergency procedures, and properly disposing of a used or expired opioid antagonist. The training also would have to be provided in a formal training session or through online education and in accordance with the school's professional development policy. Schools would be required to maintain records on these trainings.

**Reporting.** Within 10 business days of a school employee or volunteer administering an opioid antagonist, the school would be required to make a report to the school district, charter holder, or governing body, the physician or other person who prescribed the opioid antagonist, and the commissioner of state health services. The report would have to include certain information related to the recipient and the administration of the opioid antagonist.

**Prescription of opioid antagonists.** A physician or person who was delegated prescriptive authority could prescribe and would be required to provide a standing order for opioid antagonists in the name of a school district, charter schools, or private schools for administering an opioid

antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose. A pharmacist could dispense an opioid antagonist to a school district, charter school, or private school without requiring the name or other identifying information related to the user.

**Immunity from liability.** A person who took or failed to take any action in good faith under the bill would be immune from civil or criminal liability or disciplinary action resulting from action or inaction relating to the use of opioid antagonists. A school district, charter school, or private school and its employees and volunteers would also be immune from a suit resulting from an act or failure to act under the bill or related policies and procedures.

**Rules.** The TEA commissioner and the HHSC executive commissioner would be required to jointly adopt rules as necessary to implement the bill by November 1, 2023.

**Gifts, grants, and donations.** A school district, charter school, or private school could accept gifts, grants, donations, and federal and local funds to implement a policy under the bill.

**Opioid abatement account.** The bill would allow a state agency to use money appropriated from the opioid abatement account for school policies related to the maintenance, administration, and disposal of opioid antagonists.

**Effect.** The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. School districts would not be required to comply with the bill until January 1, 2024