

BILL ANALYSIS

C.S.H.B. 3908
By: Wilson
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas mothers contend that current law is structured in such a way that does not bring adequate attention to fentanyl abuse prevention and drug poisoning awareness. C.S.H.B. 3908, or Tucker's Law, requires annual research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to be provided in public schools in grades 6 through 12 to bring awareness to the dangers of fentanyl abuse and poisoning. The bill also requires the designation of an awareness week in public schools.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3908 amends the Education Code to require each public school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12. The bill sets out the following with respect to the required instruction:

- requires the instruction to include the following information:
 - suicide prevention;
 - prevention of the abuse of and addiction to fentanyl;
 - awareness of local school and community resources and any processes involved in accessing those resources; and
 - health education that includes information about substance use and abuse, including youth substance use and abuse; and
- authorizes the instruction to be provided by the following entities or an employee or agent of such an entity:
 - a public or private institution of higher education;
 - a library;
 - a community service organization;
 - a religious organization;
 - a local public health agency; or
 - an organization employing mental health professionals.

The bill authorizes a district to satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education relating to fentanyl abuse prevention and drug poisoning awareness instruction.

C.S.H.B. 3908 requires the governor, for purposes of educating students about the dangers posed by fentanyl and the risks of fentanyl poisoning, including overdose, to designate a week to be known as Fentanyl Poisoning Awareness Week in public schools. The bill authorizes Fentanyl Poisoning Awareness Week to include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each district. The bill's provisions apply beginning with the 2023-2024 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3908 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions that were not in the introduced requiring the governor to designate a week to be known as Fentanyl Poisoning Awareness Week in public schools, which may include age-appropriate instruction as determined by each district.

The substitute omits the requirements in the introduced that the fentanyl abuse prevention and drug poisoning awareness education provided to students be not fewer than 10 hours and that it include recognition of signs and symptoms of mental health issues.