By:  Cole, et al. (Senate Sponsor - Johnson) H.B. No. 3338

(In the Senate - Received from the House May 3, 2023; May 5, 2023, read first time and referred to Subcommittee on Higher Education; May 18, 2023, reported favorably from Committee on Education by the following vote: Yeas 13, Nays 0; May 18, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Creighton         X

Campbell             X

Bettencourt          X

Birdwell             X

Flores               X

King                 X

LaMantia             X

Menéndez             X

Middleton            X

Parker               X

Paxton               X

Springer             X

West                 X

A BILL TO BE ENTITLED

AN ACT

relating to measures to prevent and respond to opioid-related drug overdoses, including policies and training regarding the use of opioid antagonists, at student residences on campuses of public institutions of higher education; providing immunity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 51, Education Code, is amended by adding Subchapter Y-2 to read as follows:

SUBCHAPTER Y-2. PROVIDING OPIOID ANTAGONISTS AT CAMPUS RESIDENCE HALLS

Sec. 51.891.  DEFINITIONS. In this subchapter:

(1)  "Campus" means an educational unit under the management and control of an institution of higher education and may include, in addition to the main campus, off-campus and secondary locations, such as branch campuses, teaching locations, and regional centers.

(2)  "Employee" means an employee of an institution of higher education.

(3)  "Institution of higher education" has the meaning assigned by Section 61.003.

(4)  "Opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section 483.101, Health and Safety Code.

(5)  "Physician" means a person who holds a license to practice medicine in this state.

Sec. 51.892.  REQUIRED POLICY REGARDING OPIOID ANTAGONISTS IN RESIDENCE HALLS. (a) Each institution of higher education shall adopt and implement a policy providing for:

(1)  the availability of opioid antagonists at each residence hall on the institution's campus, including provisions for the acquisition, maintenance, storage, administration, and disposal of those devices; and

(2)  the training of resident advisors in the proper use of those devices.

(b)  The policy adopted under Subsection (a) must provide that resident advisors who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose in a residence hall on the institution's campus.

(c)  The commissioner of the Texas Higher Education Coordinating Board with advice from the commissioner of state health services shall adopt rules regarding the maintenance, storage, administration, and disposal of an opioid antagonist to be used in residence halls on the campus of an institution of higher education subject to a policy adopted under Subsection (a). The rules must establish:

(1)  the process for each institution of higher education to check the inventory of opioid antagonists at regular intervals for expiration and replacement; and

(2)  the amount of training required for resident advisors to administer an opioid antagonist.

(d)  Each institution of higher education:

(1)  must require that all resident advisors be authorized and trained to administer an opioid antagonist; and

(2)  shall include the policy in the institution's student handbook or similar publication and publish the policy on the institution's Internet website.

(e)  The supply of opioid antagonists at a campus must be stored in a secure location at each residence hall, and be easily accessible to resident advisors and other employees or volunteers authorized and trained to administer an opioid antagonist.

Sec. 51.893.  REPORT ON ADMINISTERING OPIOID ANTAGONIST. (a) Not later than the 10th business day after the date a resident advisor, employee, or volunteer administers an opioid antagonist in accordance with a policy adopted under Section 51.892, the institution of higher education shall report the information required under Subsection (b) to the physician who prescribed the opioid antagonist.

(b)  The report required under this section must include the following information:

(1)  the age of the person who received the administration of the opioid antagonist;

(2)  whether the person who received the administration of the opioid antagonist was a student, employee, or visitor;

(3)  the physical location where the opioid antagonist was administered;

(4)  the number of doses of opioid antagonist administered;

(5)  the title of the person who administered the opioid antagonist; and

(6)  any other information required by the commissioner of higher education.

Sec. 51.894.  TRAINING. (a) Each institution of higher education is responsible for training resident advisors in the administration of an opioid antagonist.

(b)  Training required under this section must:

(1)  include information on:

(A)  recognizing the signs and symptoms of an opioid-related drug overdose;

(B)  administering an opioid antagonist;

(C)  implementing emergency procedures, if necessary, after administering an opioid antagonist;

(D)  the required alerting of emergency medical services during or immediately after the administration of the opioid antagonist; and

(E)  properly disposing of used or expired opioid antagonists;

(2)  be provided to resident advisors along with any other mandatory training the institution imposes, in a formal training session or through online education, and be completed annually; and

(3)  provide an opportunity to address frequently asked questions.

(c)  Each institution of higher education shall maintain records on the training required under this section.

Sec. 51.895.  PRESCRIPTION OF OPIOID ANTAGONISTS. (a) A physician may prescribe opioid antagonists in the name of an institution of higher education. The physician shall provide the institution with a standing order for the administration of an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose.

(b)  The standing order under Subsection (a) is not required to be patient-specific, and the opioid antagonist may be administered to a person without an established physician-patient relationship.

(c)  Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician:

(1)  periodically reviews the order; and

(2)  is available through direct telecommunication as needed for consultation, assistance, and direction.

(d)  An order issued under this section must contain:

(1)  the name and signature of the prescribing physician;

(2)  the name of the institution of higher education to which the order is issued;

(3)  the quantity of opioid antagonists to be obtained and maintained under the order; and

(4)  the date of issue.

(e)  A pharmacist may dispense an opioid antagonist to an institution of higher education for purposes of this subchapter without requiring the name or any other identifying information relating to the user.

Sec. 51.896.  GIFTS, GRANTS, AND DONATIONS. An institution of higher education may accept gifts, grants, donations, and federal funds to implement this subchapter.

Sec. 51.897.  RULES. The commissioner of higher education shall adopt rules necessary to implement this subchapter.

Sec. 51.898.  IMMUNITIES. (a) A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that act or failure to act, including:

(1)  issuing an order for opioid antagonists;

(2)  supervising or delegating the administration of an opioid antagonist;

(3)  possessing an opioid antagonist;

(4)  maintaining an opioid antagonist;

(5)  storing an opioid antagonist;

(6)  disposing of an opioid antagonist;

(7)  prescribing an opioid antagonist;

(8)  dispensing an opioid antagonist;

(9)  administering, or assisting in administering, an opioid antagonist;

(10)  providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans regarding the availability and use of an opioid antagonist; or

(11)  undertaking any other act permitted or required under this subchapter.

(b)  The immunity provided by Subsection (a) is in addition to other immunity or limitations of liability provided by law.

(c)  Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action for an act or omission under this subchapter.

(d)  An institution of higher education is immune from suit resulting from an act, or failure to act, of any person under this subchapter, including an act or failure to act under related policies and procedures.

(e)  A cause of action does not arise from an act or omission described by this section.

(f)  A person acting in good faith who reports or requests emergency medical assistance for a person who is reasonably believed to be experiencing an opioid-related drug overdose in a residence hall on campus:

(1)  is immune from civil liability, and from criminal liability for offenses under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(1), 481.1161(b)(2), 481.117(b), 481.118(b), 481.119(b), 481.121(b)(1), 481.121(b)(2), 481.125(a), 483.041(a), or 485.031(a), Health and Safety Code, that might otherwise be incurred or imposed as a result of those actions; and

(2)  may not be subjected to any disciplinary action by the institution of higher education at which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident unless suspension or expulsion from the institution is a possible punishment.

SECTION 2.  Each institution of higher education to which Subchapter Y-2, Chapter 51, Education Code, as added by this Act, applies shall implement that subchapter as soon as practicable, but not later than the 2024 fall semester.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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