H.B. No. 3908

AN ACT

relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.

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

SECTION 1.  This Act may be cited as Tucker's Law.

SECTION 2.  Section 28.004(c), Education Code, is amended to read as follows:

(c)  The local school health advisory council's duties include recommending:

(1)  the number of hours of instruction to be provided in:

(A)  health education in kindergarten through grade eight; and

(B)  if the school district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;

(2)  policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

(A)  health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

(B)  physical education and physical activity;

(C)  nutrition services;

(D)  parental involvement;

(E)  instruction on substance abuse prevention;

(F)  school health services, including mental health services;

(G)  a comprehensive school counseling program under Section 33.005;

(H)  a safe and healthy school environment; and

(I)  school employee wellness;

(3)  appropriate grade levels and methods of instruction for human sexuality instruction;

(4)  strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A)  school health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

(B)  a comprehensive school counseling program under Section 33.005;

(C)  a safe and healthy school environment; and

(D)  school employee wellness;

(5)  if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies;

(6)  strategies to increase parental awareness regarding:

(A)  risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

(B)  available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns;

(7)  appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:

(A)  opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and

(B)  methods of administering an opioid antagonist, as defined by Section 483.101, Health and Safety Code; and

(8)  appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the State Board of Education under this subchapter.

SECTION 3.  Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9074 to read as follows:

Sec. 29.9074.  FENTANYL POISONING AWARENESS WEEK. (a) To educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose, the governor shall designate a week to be known as Fentanyl Poisoning Awareness Week in public schools.

(b)  Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

SECTION 4.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.040 to read as follows:

Sec. 38.040.  FENTANYL ABUSE PREVENTION AND DRUG POISONING AWARENESS EDUCATION. (a) Each school district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

(b)  The instruction required by this section must include:

(1)  suicide prevention;

(2)  prevention of the abuse of and addiction to fentanyl;

(3)  awareness of local school and community resources and any processes involved in accessing those resources; and

(4)  health education that includes information about substance use and abuse, including youth substance use and abuse.

(c)  The instruction required by this section may be provided by an entity or an employee or agent of an entity that is:

(1)  a public or private institution of higher education;

(2)  a library;

(3)  a community service organization;

(4)  a religious organization;

(5)  a local public health agency; or

(6)  an organization employing mental health professionals.

SECTION 5.  Section 38.351, Education Code, is amended by adding Subsection (g-1) to read as follows:

(g-1)  A school district may 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 under Section 38.040.

SECTION 6.  This Act applies beginning with the 2023-2024 school year.

SECTION 7.  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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    President of the Senate Speaker of the House

I certify that H.B. No. 3908 was passed by the House on May 9, 2023, by the following vote:  Yeas 139, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3908 on May 25, 2023, by the following vote:  Yeas 140, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3908 was passed by the Senate, with amendments, on May 23, 2023, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor