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H.B. No. 3338

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

1 practice medicine in this state.

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

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

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

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

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

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

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

1 (d) Each institution of higher education:

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

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

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

11 Sec. 51.893. REPORT ON ADMINISTERING OPIOID ANTAGONIST.

12 (a) Not later than the 10th business day after the date a resident
13 advisor, employee, or volunteer administers an opioid antagonist in
14 accordance with a policy adopted under Section 51.892, the
15 institution of higher education shall report the information
16 required under Subsection (b) to the physician who prescribed the
17 opioid antagonist.

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

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

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

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

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

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

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

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

8 (b) Training required under this section must:

9 (1) include information on:

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

12 (B) administering an opioid antagonist;

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

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

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

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

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

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

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

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

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

14 (1) periodically reviews the order; and
15 (2) is available through direct telecommunication as
16 needed for consultation, assistance, and direction.

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

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

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

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

24 (4) the date of issue.

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

1 relating to the user.

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

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

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

11 (1) issuing an order for opioid antagonists;
12 (2) supervising or delegating the administration of an
13 opioid antagonist;

14 (3) possessing an opioid antagonist;

15 (4) maintaining an opioid antagonist;

16 (5) storing an opioid antagonist;

17 (6) disposing of an opioid antagonist;

18 (7) prescribing an opioid antagonist;

19 (8) dispensing an opioid antagonist;

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

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

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

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

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

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

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

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

18 (1) is immune from civil liability, and from criminal
19 liability for offenses under Section [481.115\(b\)](#), [481.1151\(b\)\(1\)](#),
20 [481.116\(b\)](#), [481.1161\(b\)\(1\)](#), [481.1161\(b\)\(2\)](#), [481.117\(b\)](#),
21 [481.118\(b\)](#), [481.119\(b\)](#), [481.121\(b\)\(1\)](#), [481.121\(b\)\(2\)](#), [481.125\(a\)](#),
22 [483.041\(a\)](#), or [485.031\(a\)](#), Health and Safety Code, that might
23 otherwise be incurred or imposed as a result of those actions; and

24 (2) may not be subjected to any disciplinary action by
25 the institution of higher education at which the person is enrolled
26 or employed for any violation by the person of the institution's
27 code of conduct reasonably related to the incident unless

1 suspension or expulsion from the institution is a possible
2 punishment.

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

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