

1-1 By: Cole, et al. (Senate Sponsor - Johnson) H.B. No. 3338
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 5, 2023, read first time and referred to Subcommittee on Higher
 1-4 Education; May 18, 2023, reported favorably from Committee on
 1-5 Education by the following vote: Yeas 13, Nays 0; May 18, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to measures to prevent and respond to opioid-related drug
 1-25 overdoses, including policies and training regarding the use of
 1-26 opioid antagonists, at student residences on campuses of public
 1-27 institutions of higher education; providing immunity.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Chapter 51, Education Code, is amended by adding
 1-30 Subchapter Y-2 to read as follows:

1-31 SUBCHAPTER Y-2. PROVIDING OPIOID ANTAGONISTS AT CAMPUS RESIDENCE
 1-32 HALLS

1-33 Sec. 51.891. DEFINITIONS. In this subchapter:

1-34 (1) "Campus" means an educational unit under the
 1-35 management and control of an institution of higher education and
 1-36 may include, in addition to the main campus, off-campus and
 1-37 secondary locations, such as branch campuses, teaching locations,
 1-38 and regional centers.

1-39 (2) "Employee" means an employee of an institution of
 1-40 higher education.

1-41 (3) "Institution of higher education" has the meaning
 1-42 assigned by Section 61.003.

1-43 (4) "Opioid antagonist" and "opioid-related drug
 1-44 overdose" have the meanings assigned by Section 483.101, Health and
 1-45 Safety Code.

1-46 (5) "Physician" means a person who holds a license to
 1-47 practice medicine in this state.

1-48 Sec. 51.892. REQUIRED POLICY REGARDING OPIOID ANTAGONISTS
 1-49 IN RESIDENCE HALLS. (a) Each institution of higher education shall
 1-50 adopt and implement a policy providing for:

1-51 (1) the availability of opioid antagonists at each
 1-52 residence hall on the institution's campus, including provisions
 1-53 for the acquisition, maintenance, storage, administration, and
 1-54 disposal of those devices; and

1-55 (2) the training of resident advisors in the proper
 1-56 use of those devices.

1-57 (b) The policy adopted under Subsection (a) must provide
 1-58 that resident advisors who are authorized and trained may
 1-59 administer an opioid antagonist to a person who is reasonably
 1-60 believed to be experiencing an opioid-related drug overdose in a
 1-61 residence hall on the institution's campus.

2-1 (c) The commissioner of the Texas Higher Education
 2-2 Coordinating Board with advice from the commissioner of state
 2-3 health services shall adopt rules regarding the maintenance,
 2-4 storage, administration, and disposal of an opioid antagonist to be
 2-5 used in residence halls on the campus of an institution of higher
 2-6 education subject to a policy adopted under Subsection (a). The
 2-7 rules must establish:

2-8 (1) the process for each institution of higher
 2-9 education to check the inventory of opioid antagonists at regular
 2-10 intervals for expiration and replacement; and

2-11 (2) the amount of training required for resident
 2-12 advisors to administer an opioid antagonist.

2-13 (d) Each institution of higher education:

2-14 (1) must require that all resident advisors be
 2-15 authorized and trained to administer an opioid antagonist; and

2-16 (2) shall include the policy in the institution's
 2-17 student handbook or similar publication and publish the policy on
 2-18 the institution's Internet website.

2-19 (e) The supply of opioid antagonists at a campus must be
 2-20 stored in a secure location at each residence hall, and be easily
 2-21 accessible to resident advisors and other employees or volunteers
 2-22 authorized and trained to administer an opioid antagonist.

2-23 Sec. 51.893. REPORT ON ADMINISTERING OPIOID ANTAGONIST.

2-24 (a) Not later than the 10th business day after the date a resident
 2-25 advisor, employee, or volunteer administers an opioid antagonist in
 2-26 accordance with a policy adopted under Section 51.892, the
 2-27 institution of higher education shall report the information
 2-28 required under Subsection (b) to the physician who prescribed the
 2-29 opioid antagonist.

2-30 (b) The report required under this section must include the
 2-31 following information:

2-32 (1) the age of the person who received the
 2-33 administration of the opioid antagonist;

2-34 (2) whether the person who received the administration
 2-35 of the opioid antagonist was a student, employee, or visitor;

2-36 (3) the physical location where the opioid antagonist
 2-37 was administered;

2-38 (4) the number of doses of opioid antagonist
 2-39 administered;

2-40 (5) the title of the person who administered the
 2-41 opioid antagonist; and

2-42 (6) any other information required by the commissioner
 2-43 of higher education.

2-44 Sec. 51.894. TRAINING. (a) Each institution of higher
 2-45 education is responsible for training resident advisors in the
 2-46 administration of an opioid antagonist.

2-47 (b) Training required under this section must:

2-48 (1) include information on:

2-49 (A) recognizing the signs and symptoms of an
 2-50 opioid-related drug overdose;

2-51 (B) administering an opioid antagonist;

2-52 (C) implementing emergency procedures, if
 2-53 necessary, after administering an opioid antagonist;

2-54 (D) the required alerting of emergency medical
 2-55 services during or immediately after the administration of the
 2-56 opioid antagonist; and

2-57 (E) properly disposing of used or expired opioid
 2-58 antagonists;

2-59 (2) be provided to resident advisors along with any
 2-60 other mandatory training the institution imposes, in a formal
 2-61 training session or through online education, and be completed
 2-62 annually; and

2-63 (3) provide an opportunity to address frequently asked
 2-64 questions.

2-65 (c) Each institution of higher education shall maintain
 2-66 records on the training required under this section.

2-67 Sec. 51.895. PRESCRIPTION OF OPIOID ANTAGONISTS. (a) A
 2-68 physician may prescribe opioid antagonists in the name of an
 2-69 institution of higher education. The physician shall provide the

3-1 institution with a standing order for the administration of an
 3-2 opioid antagonist to a person reasonably believed to be
 3-3 experiencing an opioid-related drug overdose.

3-4 (b) The standing order under Subsection (a) is not required
 3-5 to be patient-specific, and the opioid antagonist may be
 3-6 administered to a person without an established physician-patient
 3-7 relationship.

3-8 (c) Notwithstanding any other provisions of law,
 3-9 supervision or delegation by a physician is considered adequate if
 3-10 the physician:

3-11 (1) periodically reviews the order; and
 3-12 (2) is available through direct telecommunication as
 3-13 needed for consultation, assistance, and direction.

3-14 (d) An order issued under this section must contain:
 3-15 (1) the name and signature of the prescribing
 3-16 physician;

3-17 (2) the name of the institution of higher education to
 3-18 which the order is issued;

3-19 (3) the quantity of opioid antagonists to be obtained
 3-20 and maintained under the order; and

3-21 (4) the date of issue.

3-22 (e) A pharmacist may dispense an opioid antagonist to an
 3-23 institution of higher education for purposes of this subchapter
 3-24 without requiring the name or any other identifying information
 3-25 relating to the user.

3-26 Sec. 51.896. GIFTS, GRANTS, AND DONATIONS. An institution
 3-27 of higher education may accept gifts, grants, donations, and
 3-28 federal funds to implement this subchapter.

3-29 Sec. 51.897. RULES. The commissioner of higher education
 3-30 shall adopt rules necessary to implement this subchapter.

3-31 Sec. 51.898. IMMUNITIES. (a) A person who in good faith
 3-32 takes, or fails to take, any action under this subchapter is immune
 3-33 from civil or criminal liability or disciplinary action resulting
 3-34 from that act or failure to act, including:

3-35 (1) issuing an order for opioid antagonists;

3-36 (2) supervising or delegating the administration of an
 3-37 opioid antagonist;

3-38 (3) possessing an opioid antagonist;

3-39 (4) maintaining an opioid antagonist;

3-40 (5) storing an opioid antagonist;

3-41 (6) disposing of an opioid antagonist;

3-42 (7) prescribing an opioid antagonist;

3-43 (8) dispensing an opioid antagonist;

3-44 (9) administering, or assisting in administering, an
 3-45 opioid antagonist;

3-46 (10) providing, or assisting in providing, training,
 3-47 consultation, or advice in the development, adoption, or
 3-48 implementation of policies, guidelines, rules, or plans regarding
 3-49 the availability and use of an opioid antagonist; or

3-50 (11) undertaking any other act permitted or required
 3-51 under this subchapter.

3-52 (b) The immunity provided by Subsection (a) is in addition
 3-53 to other immunity or limitations of liability provided by law.

3-54 (c) Notwithstanding any other law, this subchapter does not
 3-55 create a civil, criminal, or administrative cause of action or
 3-56 liability or create a standard of care, obligation, or duty that
 3-57 provides the basis for a cause of action for an act or omission
 3-58 under this subchapter.

3-59 (d) An institution of higher education is immune from suit
 3-60 resulting from an act, or failure to act, of any person under this
 3-61 subchapter, including an act or failure to act under related
 3-62 policies and procedures.

3-63 (e) A cause of action does not arise from an act or omission
 3-64 described by this section.

3-65 (f) A person acting in good faith who reports or requests
 3-66 emergency medical assistance for a person who is reasonably
 3-67 believed to be experiencing an opioid-related drug overdose in a
 3-68 residence hall on campus:

3-69 (1) is immune from civil liability, and from criminal

4-1 liability for offenses under Section 481.115(b), 481.1151(b)(1),
4-2 481.116(b), 481.1161(b)(1), 481.1161(b)(2), 481.117(b),
4-3 481.118(b), 481.119(b), 481.121(b)(1), 481.121(b)(2), 481.125(a),
4-4 483.041(a), or 485.031(a), Health and Safety Code, that might
4-5 otherwise be incurred or imposed as a result of those actions; and
4-6 (2) may not be subjected to any disciplinary action by
4-7 the institution of higher education at which the person is enrolled
4-8 or employed for any violation by the person of the institution's
4-9 code of conduct reasonably related to the incident unless
4-10 suspension or expulsion from the institution is a possible
4-11 punishment.

4-12 SECTION 2. Each institution of higher education to which
4-13 Subchapter Y-2, Chapter 51, Education Code, as added by this Act,
4-14 applies shall implement that subchapter as soon as practicable, but
4-15 not later than the 2024 fall semester.

4-16 SECTION 3. This Act takes effect immediately if it receives
4-17 a vote of two-thirds of all the members elected to each house, as
4-18 provided by Section 39, Article III, Texas Constitution. If this
4-19 Act does not receive the vote necessary for immediate effect, this
4-20 Act takes effect September 1, 2023.

4-21 * * * * *