

By: Zwiener

H.B. No. 3602

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance, administration, and disposal of opioid antagonists at school district campuses serving students in grades six and above.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF OPIOID ANTAGONISTS

Sec. 38.221. DEFINITIONS. In this subchapter:

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

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

Sec. 38.222. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF OPIOID ANTAGONISTS. (a) Each school district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12.

(b) A policy adopted under this section must:

(1) provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be

1 experiencing an opioid-related drug overdose; and

2 (2) require that each school district campus subject
3 to a policy adopted under this section have one or more school
4 personnel members or school volunteers authorized and trained to
5 administer an opioid antagonist present during regular school
6 hours.

7 (c) The supply of opioid antagonists at each school district
8 campus subject to a policy adopted under this section must be stored
9 in a secure location and be easily accessible to school personnel
10 and school volunteers authorized and trained to administer an
11 opioid antagonist.

12 (d) The executive commissioner of the Health and Human
13 Services Commission, in consultation with the commissioner of
14 education, shall adopt rules regarding the maintenance,
15 administration, and disposal of opioid antagonists at a school
16 district campus subject to a policy adopted under this
17 section. The rules must establish:

18 (1) the number of opioid antagonists available at each
19 district campus;

20 (2) the process for checking the inventory of opioid
21 antagonists at regular intervals for expiration and replacement;
22 and

23 (3) the amount of training required for school
24 personnel and school volunteers to administer an opioid antagonist.

25 Sec. 38.223. TRAINING. (a) Each school district is
26 responsible for training school personnel and school volunteers in
27 the administration of an opioid antagonist.

1 (b) Training required under this section must:

2 (1) include information on:

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

5 (B) administering an opioid antagonist;

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

8 (D) properly disposing of used or expired opioid
9 antagonists;

10 (2) be provided in a formal training session or
11 through online education; and

12 (3) be provided in accordance with the policy adopted
13 under Section [21.4515](#).

14 (c) Each school district shall maintain records on the
15 training required under this section.

16 Sec. 38.224. PRESCRIPTION OF OPIOID ANTAGONISTS. (a) A
17 physician or person who has been delegated prescriptive authority
18 under Chapter [157](#), Occupations Code, may prescribe opioid
19 antagonists in the name of a school district.

20 (b) A physician or other person who prescribes opioid
21 antagonists under Subsection (a) shall provide the school district
22 with a standing order for the administration of an opioid
23 antagonist to a person reasonably believed to be experiencing an
24 opioid-related drug overdose.

25 (c) The standing order under Subsection (b) is not required
26 to be patient-specific, and the opioid antagonist may be
27 administered to a person without a previously established

1 physician-patient relationship.

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

5 (1) periodically reviews the order; and

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

8 (e) An order issued under this section must contain:

9 (1) the name and signature of the prescribing
10 physician or other person;

11 (2) the name of the school district to which the order
12 is issued;

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

15 (4) the date of issue.

16 (f) A pharmacist may dispense an opioid antagonist to a
17 school district without requiring the name or any other identifying
18 information relating to the user.

19 Sec. 38.225. NOTICE TO PARENTS. A school district shall
20 provide written notice to a parent or guardian of each student
21 enrolled at a campus in the district subject to a policy adopted
22 under Section 38.222. Notice required under this section must be
23 provided before a policy is implemented by the district and before
24 the start of each school year.

25 Sec. 38.226. GIFTS, GRANTS, AND DONATIONS. A school
26 district may accept gifts, grants, donations, and federal and local
27 funds to implement this subchapter.

1 Sec. 38.227. IMMUNITY FROM LIABILITY. (a) A person who in
2 good faith takes, or fails to take, any action under this subchapter
3 is immune from civil or criminal liability or disciplinary action
4 resulting from that action or failure to act, including:

5 (1) issuing an order for opioid antagonists;

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

8 (3) possessing, maintaining, storing, or disposing of
9 an opioid antagonist;

10 (4) prescribing an opioid antagonist;

11 (5) dispensing an opioid antagonist;

12 (6) administering, or assisting in administering, an
13 opioid antagonist;

14 (7) providing, or assisting in providing, training,
15 consultation, or advice in the development, adoption, or
16 implementation of policies, guidelines, rules, or plans; or

17 (8) undertaking any other act permitted or required
18 under this subchapter.

19 (b) The immunities and protections provided by this
20 subchapter are in addition to other immunities or limitations of
21 liability provided by law.

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

27 (d) A cause of action does not arise from an act or omission

1 described by this section.

2 (e) A school district and school personnel and school
3 volunteers are immune from suit resulting from an act, or failure to
4 act, under this subchapter, including an act or failure to act under
5 related policies and procedures.

6 (f) An act or failure to act by school personnel or a school
7 volunteer under this subchapter, including an act or failure to act
8 under related policies and procedures, is the exercise of judgment
9 or discretion on the part of the school personnel or school
10 volunteer and is not considered to be a ministerial act for purposes
11 of liability of the school district.

12 Sec. 38.228. RULES. Except as otherwise provided by this
13 subchapter, the commissioner of education and the executive
14 commissioner of the Health and Human Services Commission shall
15 jointly adopt rules necessary to implement this subchapter.

16 SECTION 2. Not later than November 1, 2023:

17 (1) the executive commissioner of the Health and Human
18 Services Commission shall, in consultation with the commissioner of
19 education, adopt rules required under Section 38.222, Education
20 Code, as added by this Act; and

21 (2) the commissioner of education and the executive
22 commissioner of the Health and Human Services Commission shall
23 jointly adopt rules necessary to implement Subchapter E-1, Chapter
24 38, Education Code, as added by this Act.

25 SECTION 3. Notwithstanding the effective date of this Act,
26 a school district is not required to comply with Section 38.222,
27 Education Code, as added by this Act, before January 1, 2024.

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