

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

1 integration of physical health education and mental health
2 education;

3 (B) physical education and physical activity;

4 (C) nutrition services;

5 (D) parental involvement;

6 (E) instruction on substance abuse prevention;

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

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

11 (H) a safe and healthy school environment; and

12 (I) school employee wellness;

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

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

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

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

24 (C) a safe and healthy school environment; and

25 (D) school employee wellness;

26 (5) if feasible, joint use agreements or strategies
27 for collaboration between the school district and community

1 organizations or agencies;

2 (6) strategies to increase parental awareness
3 regarding:

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

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

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

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

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

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

25 SECTION 3. Subchapter 2, Chapter 29, Education Code, is
26 amended by adding Section 29.9074 to read as follows:

27 Sec. 29.9074. FENTANYL POISONING AWARENESS WEEK. (a) To

1 educate students about the dangers posed by the drug fentanyl and
2 the risks of fentanyl poisoning, including overdose, the governor
3 shall designate a week to be known as Fentanyl Poisoning Awareness
4 Week in public schools.

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

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

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

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

17 (1) suicide prevention;

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

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

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

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

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

- 1 (2) a library;
- 2 (3) a community service organization;
- 3 (4) a religious organization;
- 4 (5) a local public health agency; or
- 5 (6) an organization employing mental health
- 6 professionals.

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

9 (g-1) A school district may satisfy a requirement to
10 implement a program in the area of substance abuse prevention and
11 intervention by providing instruction related to youth substance
12 use and abuse education under Section 38.040.

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

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

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor