

By: Menéndez, et al.

S.B. No. 629

A BILL TO BE ENTITLED

AN ACT

relating to the use of opioid antagonists on public and private school campuses and at or in transit to or from off-campus school events and to the permissible uses of money appropriated to a state agency from the opioid abatement account.

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

SECTION 1. The heading to Subchapter E, Chapter 38, Education Code, is amended to read as follows:

SUBCHAPTER E. MAINTENANCE, ~~[AND]~~ ADMINISTRATION, AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS, OPIOID ANTAGONISTS, AND ASTHMA MEDICINE

SECTION 2. Section 38.201, Education Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Advisory committee" means the stock medicine advisory committee established under Section 38.202.

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

SECTION 3. The heading to Section 38.202, Education Code, is amended to read as follows:

Sec. 38.202. STOCK MEDICINE ADVISORY COMMITTEE: ESTABLISHMENT AND COMPOSITION.

SECTION 4. Sections 38.202(a) and (b), Education Code, are

1 amended to read as follows:

2 (a) The commissioner of state health services shall
3 establish a stock medicine ~~[an]~~ advisory committee to examine and
4 review the administration of epinephrine auto-injectors to a person
5 experiencing an anaphylactic reaction, and opioid antagonists to a
6 person experiencing an apparent opioid-related drug overdose, on a
7 campus of a school district, an open-enrollment charter school, a
8 private school, or an institution of higher education.

9 (b) The advisory committee shall be composed of members
10 appointed by the commissioner of state health services. In making
11 appointments, the commissioner shall ensure that:

12 (1) a majority of the members are physicians with
13 expertise in treating anaphylaxis or opioid-related drug
14 overdoses, including physicians who specialize in the fields of
15 pediatrics, allergies, asthma, drug use disorders, and immunology;

16 (2) at least one member is a registered nurse employed
17 by a school district, open-enrollment charter school, or private
18 school as a school nurse;

19 (3) at least one member is an employee of a general
20 academic teaching institution; and

21 (4) at least one member is an employee of a public
22 junior college or a public technical institute.

23 SECTION 5. Section 38.207, Education Code, is amended to
24 read as follows:

25 Sec. 38.207. ADVISORY COMMITTEE: DUTIES. The advisory
26 committee shall advise the commissioner of state health services
27 on:

1 (1) the storage and maintenance of epinephrine
2 auto-injectors and opioid antagonists on school campuses and
3 campuses of institutions of higher education;

4 (2) the training of school personnel and school
5 volunteers, and of personnel and volunteers at institutions of
6 higher education, in the administration of an epinephrine
7 auto-injector and opioid antagonist; and

8 (3) a plan for:

9 (A) one or more school personnel members or
10 school volunteers trained in the administration of an epinephrine
11 auto-injector to be on each school campus; ~~and~~

12 (B) one or more school personnel members or
13 school volunteers trained in the administration of an opioid
14 antagonist to be on each school campus;

15 (C) one or more personnel members or volunteers
16 of an institution of higher education trained in the administration
17 of an epinephrine auto-injector to be on each campus of an
18 institution of higher education; and

19 (D) one or more personnel members or volunteers
20 of an institution of higher education trained in the administration
21 of an opioid antagonist to be on each campus of an institution of
22 higher education.

23 SECTION 6. The heading to Section 38.208, Education Code,
24 is amended to read as follows:

25 Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
26 AUTO-INJECTORS, OPIOID ANTAGONISTS, AND ASTHMA MEDICINE.

27 SECTION 7. Sections 38.208(a), (b), (c), (d), and (e),

1 Education Code, are amended to read as follows:

2 (a) Each school district, open-enrollment charter school,
3 and private school may adopt and implement a policy regarding the
4 maintenance, administration, and disposal of epinephrine
5 auto-injectors or opioid antagonists at each campus in the district
6 or school.

7 (b) If a policy is adopted under Subsection (a), the policy,
8 as applicable:

9 (1) must provide that school personnel and school
10 volunteers who are authorized and trained may administer an
11 epinephrine auto-injector to a person who is reasonably believed to
12 be experiencing anaphylaxis, or an opioid antagonist to a person
13 who is reasonably believed to be experiencing an opioid-related
14 drug overdose, on a school campus; and

15 (2) may provide that school personnel and school
16 volunteers who are authorized and trained may administer an
17 epinephrine auto-injector to a person who is reasonably believed to
18 be experiencing anaphylaxis, or an opioid antagonist to a person
19 who is reasonably believed to be experiencing an opioid-related
20 drug overdose, at an off-campus school event or while in transit to
21 or from a school event.

22 (c) The executive commissioner of the Health and Human
23 Services Commission, in consultation with the commissioner of
24 education, and with advice from the advisory committee as
25 appropriate, shall adopt rules regarding the maintenance,
26 administration, and disposal of an epinephrine auto-injector and
27 opioid antagonist at a school campus subject to a policy adopted

1 under Subsection (a) and the maintenance and administration of
2 asthma medicine at a school campus subject to a policy adopted under
3 Subsection (a-1). The rules must establish:

4 (1) the number of epinephrine auto-injectors and
5 opioid antagonists available at each campus;

6 (2) the amount of prescription asthma medicine
7 available at each campus;

8 (3) the process for each school district,
9 open-enrollment charter school, and private school to check the
10 inventory of epinephrine auto-injectors, opioid antagonists, and
11 asthma medicine at regular intervals for expiration and
12 replacement; and

13 (4) the amount of training required for school
14 personnel and school volunteers to administer an epinephrine
15 auto-injector or opioid antagonist.

16 (d) Each school district, open-enrollment charter school,
17 and private school that adopts a policy under Subsection (a) must
18 require that each campus have one or more school personnel members
19 or school volunteers authorized and trained to administer an
20 epinephrine auto-injector or an opioid antagonist, as applicable,
21 present during all hours the campus is open.

22 (e) The supply of epinephrine auto-injectors and opioid
23 antagonists at each campus must be stored in a secure location and
24 be easily accessible to school personnel and school volunteers
25 authorized and trained to administer an epinephrine auto-injector
26 or opioid antagonist. The supply of asthma medicine at each campus
27 must be stored in a secure location and be easily accessible to the

1 school nurse.

2 SECTION 8. Section 38.209, Education Code, is amended to
3 read as follows:

4 Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE
5 AUTO-INJECTOR OR OPIOID ANTAGONIST. (a) Not later than the 10th
6 business day after the date a school personnel member or school
7 volunteer administers an epinephrine auto-injector or opioid
8 antagonist in accordance with a policy adopted under Section
9 38.208(a), the school shall report the information required under
10 Subsection (b) to:

11 (1) the school district, the charter holder if the
12 school is an open-enrollment charter school, or the governing body
13 of the school if the school is a private school;

14 (2) the physician or other person who prescribed the
15 epinephrine auto-injector or opioid antagonist; and

16 (3) the commissioner of state health services.

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

19 (1) the age of the person who received the
20 administration of the epinephrine auto-injector or opioid
21 antagonist;

22 (2) whether the person who received the administration
23 of the epinephrine auto-injector or opioid antagonist was a
24 student, a school personnel member or school volunteer, or a
25 visitor;

26 (3) the physical location where the epinephrine
27 auto-injector or opioid antagonist was administered;

1 (4) the number of doses of epinephrine auto-injector
2 or opioid antagonist administered;

3 (5) the title of the person who administered the
4 epinephrine auto-injector or opioid antagonist; and

5 (6) any other information required by the commissioner
6 of education.

7 SECTION 9. Sections 38.210(a) and (b), Education Code, are
8 amended to read as follows:

9 (a) Each school district, open-enrollment charter school,
10 and private school that adopts a policy under Section 38.208(a) is
11 responsible for training school personnel and school volunteers in
12 the administration of an epinephrine auto-injector or opioid
13 antagonist.

14 (b) Training required under this section must:

15 (1) include information on:

16 (A) recognizing the signs and symptoms of
17 anaphylaxis or an opioid-related drug overdose;

18 (B) administering an epinephrine auto-injector
19 or opioid antagonist;

20 (C) implementing emergency procedures, if
21 necessary, after administering an epinephrine auto-injector or
22 opioid antagonist; and

23 (D) properly disposing of used or expired
24 epinephrine auto-injectors or opioid antagonists;

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

27 (3) be provided in accordance with the policy adopted

1 under Section 21.4515.

2 SECTION 10. The heading to Section 38.211, Education Code,
3 is amended to read as follows:

4 Sec. 38.211. PRESCRIPTION OF EPINEPHRINE AUTO-INJECTORS,
5 OPIOID ANTAGONISTS, AND ASTHMA MEDICINE.

6 SECTION 11. Sections 38.211(a), (b), (c), (e), and (f),
7 Education Code, are amended to read as follows:

8 (a) A physician or person who has been delegated
9 prescriptive authority under Chapter 157, Occupations Code, may
10 prescribe epinephrine auto-injectors, opioid antagonists, or
11 asthma medicine in the name of a school district, open-enrollment
12 charter school, or private school.

13 (b) A physician or other person who prescribes epinephrine
14 auto-injectors, opioid antagonists, or asthma medicine under
15 Subsection (a) shall provide the school district, open-enrollment
16 charter school, or private school with a standing order for the
17 administration of, as applicable:

18 (1) an epinephrine auto-injector to a person
19 reasonably believed to be experiencing anaphylaxis; ~~or~~

20 (2) an opioid antagonist to a person reasonably
21 believed to be experiencing an opioid-related drug overdose; or

22 (3) asthma medicine to a person reasonably believed to
23 be experiencing a symptom of asthma and who has provided written
24 notification and permission as required by Section 38.208(b-1).

25 (c) The standing order under Subsection (b) is not required
26 to be patient-specific, and the epinephrine auto-injector, opioid
27 antagonist, or asthma medicine may be administered to a person

1 without a previously established physician-patient relationship.

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

3 (1) the name and signature of the prescribing
4 physician or other person;

5 (2) the name of the school district, open-enrollment
6 charter school, or private school to which the order is issued;

7 (3) the quantity of epinephrine auto-injectors,
8 opioid antagonists, or asthma medicine to be obtained and
9 maintained under the order; and

10 (4) the date of issue.

11 (f) A pharmacist may dispense an epinephrine auto-injector,
12 an opioid antagonist, or asthma medicine to a school district,
13 open-enrollment charter school, or private school without
14 requiring the name or any other identifying information relating to
15 the user.

16 SECTION 12. Section 38.212, Education Code, is amended to
17 read as follows:

18 Sec. 38.212. NOTICE TO PARENTS. (a) Each [~~if a~~] school
19 district, open-enrollment charter school, or private school
20 [~~implements a policy under this subchapter, the district or school~~]
21 shall provide written notice to a parent or guardian of each student
22 enrolled in the district or school regarding any policies the
23 district or school implements under this subchapter.

24 (b) Notice required under this section must be provided
25 before a policy is implemented by the district or school and before
26 the start of each school year.

27 SECTION 13. Section 38.215(a), Education Code, is amended

1 to read as follows:

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

6 (1) issuing an order for epinephrine auto-injectors,
7 opioid antagonists, or asthma medicine;

8 (2) supervising or delegating the administration of an
9 epinephrine auto-injector, an opioid antagonist, or asthma
10 medicine;

11 (3) possessing, maintaining, storing, or disposing of
12 an epinephrine auto-injector, an opioid antagonist, or asthma
13 medicine;

14 (4) prescribing an epinephrine auto-injector, an
15 opioid antagonist, or asthma medicine;

16 (5) dispensing:

17 (A) an epinephrine auto-injector; [~~or~~]

18 (B) an opioid antagonist; or

19 (C) asthma medicine, provided that permission
20 has been granted as provided by Section 38.208(b-1);

21 (6) administering, or assisting in administering, an
22 epinephrine auto-injector, an opioid antagonist, or asthma
23 medicine, provided that permission has been granted as provided by
24 Section 38.208(b-1);

25 (7) providing, or assisting in providing, training,
26 consultation, or advice in the development, adoption, or
27 implementation of policies, guidelines, rules, or plans; or

1 (8) undertaking any other act permitted or required
2 under this subchapter.

3 SECTION 14. Section 403.505(d), Government Code, is amended
4 to read as follows:

5 (d) A state agency may use money appropriated from the
6 account only to:

7 (1) prevent opioid use disorder through
8 evidence-based education and prevention, such as school-based
9 prevention, early intervention, or health care services or programs
10 intended to reduce the risk of opioid use by school-age children;

11 (2) support efforts to prevent or reduce deaths from
12 opioid overdoses or other opioid-related harms, including through
13 increasing the availability or distribution of naloxone or other
14 opioid antagonists for use by:

15 (A) health care providers;

16 (B) [] first responders;

17 (C) [] persons experiencing an opioid overdose;

18 (D) [] families;

19 (E) [] schools, including under a policy adopted
20 under Subchapter E, Chapter 38, Education Code, regarding the
21 maintenance, administration, and disposal of opioid antagonists;

22 (F) community-based service providers;

23 (G) [] social workers; [] or

24 (H) other members of the public;

25 (3) create and provide training on the treatment of
26 opioid addiction, including the treatment of opioid dependence with
27 each medication approved for that purpose by the United States Food

1 and Drug Administration, medical detoxification, relapse
2 prevention, patient assessment, individual treatment planning,
3 counseling, recovery supports, diversion control, and other best
4 practices;

5 (4) provide opioid use disorder treatment for youths
6 and adults, with an emphasis on programs that provide a continuum of
7 care that includes screening and assessment for opioid use disorder
8 and co-occurring behavioral health disorders, early intervention,
9 contingency management, cognitive behavioral therapy, case
10 management, relapse management, counseling services, and
11 medication-assisted treatments;

12 (5) provide patients suffering from opioid dependence
13 with access to all medications approved by the United States Food
14 and Drug Administration for the treatment of opioid dependence and
15 relapse prevention following opioid detoxification, including
16 opioid agonists, partial agonists, and antagonists;

17 (6) support efforts to reduce the abuse or misuse of
18 addictive prescription medications, including tools used to give
19 health care providers information needed to protect the public from
20 the harm caused by improper use of those medications;

21 (7) support treatment alternatives that provide both
22 psychosocial support and medication-assisted treatments in areas
23 with geographical or transportation-related challenges, including
24 providing access to mobile health services and telemedicine,
25 particularly in rural areas;

26 (8) address:

27 (A) the needs of persons involved with criminal

1 justice; and

2 (B) rural county unattended deaths; or

3 (9) further any other purpose related to opioid
4 abatement authorized by appropriation.

5 SECTION 15. This Act applies beginning with the 2023-2024
6 school year.

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