

SENATE AMENDMENTS

2nd Printing

By: Wilson, et al.

H.B. No. 3908

A BILL TO BE ENTITLED

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. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9074 to read as follows:

Sec. 29.9074. FENTANYL POISONING AWARENESS WEEK. (a) To educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose, the governor shall designate a week to be known as Fentanyl Poisoning Awareness Week in public schools.

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

SECTION 3. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.040 to read as follows:

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

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

- 1 (1) suicide prevention;
- 2 (2) prevention of the abuse of and addiction to
- 3 fentanyl;
- 4 (3) awareness of local school and community resources
- 5 and any processes involved in accessing those resources; and
- 6 (4) health education that includes information about
- 7 substance use and abuse, including youth substance use and abuse.

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

- 10 (1) a public or private institution of higher
- 11 education;
- 12 (2) a library;
- 13 (3) a community service organization;
- 14 (4) a religious organization;
- 15 (5) a local public health agency; or
- 16 (6) an organization employing mental health
- 17 professionals.

18 SECTION 4. Section 38.351, Education Code, is amended by
19 adding Subsection (g-1) to read as follows:

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

24 SECTION 5. This Act applies beginning with the 2023-2024
25 school year.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.

ADOPTED

MAY 23 2023

Lacey Law
Secretary of the Senate

BY:

Campbell

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 3908 (senate committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 28.004(c), Education Code, is amended
5 to read as follows:

6 (c) The local school health advisory council's duties
7 include recommending:

8 (1) the number of hours of instruction to be provided
9 in:

10 (A) health education in kindergarten through
11 grade eight; and

12 (B) if the school district requires health
13 education for high school graduation, health education, including
14 physical health education and mental health education, in grades 9
15 through 12;

16 (2) policies, procedures, strategies, and curriculum
17 appropriate for specific grade levels designed to prevent physical
18 health concerns, including obesity, cardiovascular disease, Type 2
19 diabetes, and mental health concerns, including suicide, through
20 coordination of:

21 (A) health education, which must address
22 physical health concerns and mental health concerns to ensure the
23 integration of physical health education and mental health
24 education;

25 (B) physical education and physical activity;

26 (C) nutrition services;

27 (D) parental involvement;

28 (E) instruction on substance abuse prevention;

29 (F) school health services, including mental

1 health services;

2 (G) a comprehensive school counseling program
3 under Section 33.005;

4 (H) a safe and healthy school environment; and
5 (I) school employee wellness;

6 (3) appropriate grade levels and methods of
7 instruction for human sexuality instruction;

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

11 (A) school health services, including physical
12 health services and mental health services, if provided at a campus
13 by the district or by a third party under a contract with the
14 district;

15 (B) a comprehensive school counseling program
16 under Section 33.005;

17 (C) a safe and healthy school environment; and
18 (D) school employee wellness;

19 (5) if feasible, joint use agreements or strategies
20 for collaboration between the school district and community
21 organizations or agencies;

22 (6) strategies to increase parental awareness
23 regarding:

24 (A) risky behaviors and early warning signs of
25 suicide risks and behavioral health concerns, including mental
26 health disorders and substance use disorders; and
27 (B) available community programs and services
28 that address risky behaviors, suicide risks, and behavioral health
29 concerns;

30 (7) appropriate grade levels and curriculum for
31 instruction regarding the dangers of opioids, including

1 instruction on:

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

4 (B) methods of administering an opioid
5 antagonist, as defined by Section 483.101, Health and Safety Code;
6 and

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 23, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3908 by Wilson (Relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

According to the Texas Education Agency, school districts and open-enrollment charter schools would incur costs from the requirement of providing research-based instruction for students in grades 6 through 12. There would likely also be costs to schools to implement evidence-based substance abuse programs, including professional development training for teachers and the purchase of instructional materials and resources.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, CMA, KSk, ASA, LGai

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3908 by Wilson (Relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts and open-enrollment charter schools would incur costs from the requirement of providing 10 hours of research-based instruction for students in grades 6 through 12.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, KSk, ASA, LGai

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 21, 2023

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3908 by Wilson (relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts and open-enrollment charter schools would incur costs from the requirement of providing 10 hours of research-based instruction for students in grades 6 through 12.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, KSk, ASA, LGai

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 17, 2023

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3908** by Wilson (Relating to fentanyl prevention and drug poisoning awareness education for public school students in grades 6 through 12.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Districts would incur costs from the requirement to provide 10 hours of research-based instruction for students in grades 6 through 12.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, KSk, ASA, LGai