

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 3271 (Joe Patterson) – As Introduced February 16, 2024

SUBJECT: Pupil health: opioid antagonists

SUMMARY: Requires each public school that has chosen to permit school nurses or voluntarily trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering from an opioid overdose, to maintain at least two units of naloxone hydrochloride or another opioid antagonist on its site. Specifically, **this bill:**

- 1) Requires each public school operated by a school district, county office of education (COE), or charter school that has chosen to permit school nurses or voluntarily trained personnel to use naloxone hydrochloride or another opioid antagonist, to provide emergency medical aid to persons suffering from an opioid overdose, to maintain at least two units of naloxone hydrochloride or another opioid antagonist on its site.
- 2) Makes technical and conforming changes.

EXISTING LAW:

- 1) Authorizes school districts, COEs, and charter schools to provide emergency naloxone or another opioid antagonist to school nurses or trained volunteer personnel for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code (EC) 49414.3)
- 2) Requires that the comprehensive school safety plan developed by school districts and COEs enrolling students in grades 7 to 12 include a protocol in the event a student is suffering or reasonably believed to be suffering from an opioid overdose. (EC 32282)
- 3) Requires the school safety plan developed by charter schools enrolling students in grades 7 to 12 include a protocol in the event a student is suffering or reasonably believed to be suffering from an opioid overdose. (EC 47605 and 47605.6)
- 4) Encourages COEs to establish a County Working Group on Fentanyl Education in Schools for outreach, building awareness, and collaborating with local health agencies regarding fentanyl overdoses and encourages the working group to include representatives of local educational agencies (LEAs) within the county as well as the county public health department. Also requires the California Department of Education (CDE) to curate and maintain on its website, informational materials containing awareness and safety advice on how to prevent an opioid overdose. (EC 49428.16)
- 5) Authorizes a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to a school district, COE, or charter school provided that the naloxone hydrochloride or another opioid antagonist is for use exclusively at the school site and if a physician provides a written order that specifies the quantity of naloxone hydrochloride or another opioid antagonist is to be furnished. (Business and Professions Code (BPC) 4119.8)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, “Until my neighbor, high school teen Zach Didier, lost his life to Fentanyl, I had no idea how kids were getting their hands on this poison. Zach ingested a pill of what he believed to be Percocet. As a father of four children, I can't imagine having to experience what my neighbor went through which is why I am authoring Assembly Bill 3271. According the California Department of Education in 2012, California suffered 82 tragic deaths attributed to fentanyl overdoses, and in recent years that number jumped to more than 6,000, with Fentanyl deaths accounting for more than 80 percent of all drug-related deaths among California’s young people. AB 3271 is part of my three-pronged approach to helping solve the Fentanyl crisis - accountability, education, and safety. This measure is about safety.

It is time we take the initiative to have simple and proven preventative care available to schools where our kids spend a majority of their time. Fentanyl is being disguised as candy and is readily available in every community - why aren't we putting this on every campus? I was pleased to hear that the Governor has set aside funding for this program for all middle and high school sites to maintain naloxone on campus. Unfortunately, many schools refuse to carry the product, primarily because they are unsure about statutory authority and protection from liability. We can solve that by passing AB 3271. Together, we will save lives at a nominal cost.”

Dangers associated with Fentanyl. Fentanyl is a potent synthetic opioid drug approved by the Food and Drug Administration (FDA) for use as an analgesic and anesthetic. It is approximately 50 times stronger than heroin and 100 times stronger than morphine. First developed in 1959, it was introduced in the 1960’s as an intravenous anesthetic. Fentanyl is legally manufactured and distributed in the United States; however, there are two types of fentanyl: pharmaceutical fentanyl and illicitly manufactured fentanyl. Both are considered synthetic opioids.

Pharmaceutical fentanyl is prescribed by doctors to treat severe pain, especially after surgery and for advanced-stage cancer. Most recently, cases of fentanyl-related overdoses are linked to illicitly manufactured fentanyl that is distributed through illegal drug markets for its heroin-like effect. It is often added to other drugs because of its extreme potency, which makes drugs cheaper, more powerful, more addictive, and more dangerous.

Addressing Fentanyl Among California Youth. According to the California Department of Public Health (CDPH), fentanyl-related overdose deaths increased 625% among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15–19 years old in California. Current law requires the Superintendent of Public Instruction (SPI) to establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the CDE must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

The CDE, in conjunction with the CDPH, has developed resources and information that LEAs can readily share with parents and students to help keep them safe. The Fentanyl Awareness and Prevention webpage offers information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH’s Substance and Addiction Prevention

branch also provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

Reversing opioid overdoses. Naloxone is the generic name for an opioid antagonist that rapidly reverses an opioid overdose. It attaches to opioid receptors and reverses and blocks the effects of other opioids. Naloxone can quickly restore normal breathing to a person if their breathing has slowed or stopped because of an opioid overdose. Naloxone comes in two FDA-approved forms: injectable and prepackaged nasal spray. A distribution program administered through the Department of Health Care Services (DHCS) allows schools, universities, and colleges to apply for and obtain naloxone at no cost to the institution.

Some California school districts have opted to make naloxone available. The Los Angeles Unified School District (LAUSD), the state's largest school district, announced plans to stock naloxone at over 1,400 elementary, middle, and high schools in response to numerous incidents of students experiencing overdoses, including at least one death in 2022. San Diego Unified School District, the state's second-largest school system stocks naloxone at schools with students in sixth grade or higher. Since 2020, Elk Grove Unified School District has provided naloxone to school security officers and their supervisors. In Los Angeles County, the Palos Verdes Peninsula Unified School District trained all the district's registered nurses on how to administer naloxone and made it available to them at that district's high schools.

Arguments in support. The California Emergency Nurses Association writes, "For the first time in California, drug overdoses are deadlier than car accidents and homicides combined. In 2022, over 7,300 deaths have been caused by an opioid overdose with a growing number of those deaths being youth. 1 out of every 5 youth deaths is caused by an opioid overdose. Unfortunately, the potential of an opioid overdose is becoming more common as fentanyl is flooding into California and doses have been made to look like prescription drugs and even candy. This bill will help to save lives when minutes count by promoting easy access to an opioid blocker throughout our schools."

Related legislation. AB 2429 (Alvarez) of the 2023-24 Session would require that if the governing board of a school district or the governing body of a charter school requires a course in health education for graduation from high school, it include, commencing with the 2026–27 school year, instruction on the dangers associated with fentanyl use, as specified.

AB 1915 (Arambula) of the 2023-24 Session establishes a voluntary training program for high school students in how to administer naloxone hydrochloride during an opioid overdose; requires the CDPH to develop the training and resource materials in collaboration with specified entities; and requires schools that elect to stock naloxone hydrochloride to place it in specified locations.

SB 10 (Cortese) Chapter 856, Statutes of 2023, adds to the list of requirements for a comprehensive school safety plan, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose.

AB 889 (Joe Patterson) Chapter 123, Statutes of 2023, requires a school district, COE, and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs at the beginning of the first semester or quarter of the regular school term and to post this information on their websites.

AB 19 (Joe Patterson) would require public schools to maintain at least two doses of naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to a person suffering from an opioid overdose. This bill was held in the Senate Appropriations Committee.

SB 472 (Hurtado) of the 2023-24 Session would have required each campus of a public school operated by an LEA, COE, or charter school to maintain at least two doses on its campus, and distribute, naloxone hydrochloride or another opioid antagonist pursuant to the standing order for naloxone and requires LEAs, COEs, and charter school to report to the DHCS for failure to distribute naloxone. This bill was held in the Senate Appropriations Committee.

AB 915 (Arambula) of the 2023-24 Session would have required the CDPH to establish, by March 1, 2025, a certification training program for public middle school and public high school students in grades 5 to 12 to gain skills in how to administer Narcan nasal spray, during an opioid overdose, and how to store and dispose of Narcan nasal spray. The bill would also authorize public middle and high schools serving pupils in any of grades 5 to 12 to voluntarily determine whether or not to host the program on their campuses. The bill would require the CDE to collaborate with drug prevention organizations, community health centers and experts, and nonprofits with related expertise to provide pupils with integrated, comprehensive, accurate, and unbiased educational materials on opioid and drug overdose prevention, opioid and drug safety, and stigma reduction.

AB 1748 (Mayes) Chapter 557, Statutes of 2016, authorizes school nurses and other trained personnel to use naloxone or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
California Emergency Nurses Association
Orange County Sheriff's Department

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087