

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2998 (McKinnor) – As Amended April 11, 2024

[This bill was double referred to the Assembly Health Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Opioid overdose reversal medications: pupil administration

SUMMARY: Prohibits school districts, county offices of education (COE), and charter schools from preventing a student from carrying or administering an opioid reversal medication.

Specifically, **this bill:**

- 1) Prohibits school districts, COEs, and charter schools from preventing a student from carrying or administering a federally-approved naloxone hydrochloride (NH) nasal spray or any other opioid reversal medication that is federally-approved for over-the-counter (OTC), non-prescription use for the emergency treatment of persons who are suffering, or reasonably believed to be suffering from an opioid overdose at a schoolsite or when participating in school activities.
- 2) Requires that a student be exempt from civil liability for administering an opioid antagonist on a schoolsite to a person suffering from an opioid overdose, unless the student's acts or omissions constitute gross negligence or willful and wanton misconduct.
- 3) Requires that an employee of a school district, COE, or charter school not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a student's acts or omissions in administering an opioid antagonist, unless an act or omission of an employee constitutes gross negligence or willful or wanton misconduct.

EXISTING LAW:

- 1) Authorizes school districts, COEs, and charter schools to provide emergency NH 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 NH or another opioid antagonist to a school district, COE, or charter school provided that the NH 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 NH or another opioid antagonist is to be furnished. (Business and Professions Code (BPC) 4119.8)
- 6) Authorizes a minor who is 12 years of age or older to consent to medical care and counseling related to the diagnosis and treatment of a drug or alcohol-related problem. (Family (FAM) 6929)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 2998 addresses the urgent need to expand access to naloxone by allowing minors to administer the medication during opioid overdoses. This bill empowers individuals to intervene effectively and potentially save lives in emergency situations, contributing to our efforts to combat the opioid epidemic in California.”

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 1960s 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 have been 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 by 625% among ages 10-19 from 2018 to 2020, and there were 177 fentanyl-related overdose deaths and 1,165 opioid-related overdose emergency departments visits among youth ages 10 to 19 years old in 2022.

Current law requires the Superintendent of Public Instruction (SPI) to establish minimum training standards for school employees who volunteer to administer NH 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 NH 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. NH 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. NH can quickly restore normal breathing to a person if their breathing has slowed or stopped because of an opioid overdose. NH comes in two FDA-approved forms: injectable and prepackaged nasal spray.

In July 2023, the Food and Drug Administration (FDA) approved Narcan and RiVive, for OTC, nonprescription use. These are the first NH products approved for use without a prescription. This approval will allow the medications to be sold directly to consumers in drug stores, grocery stores, as well as online. According to an FDA Commissioner, “The approval of OTC NH nasal spray will help improve access to NH, increase the number of locations where it is available and help reduce opioid overdose deaths throughout the country. We encourage the manufacturer to make accessibility to the product a priority by making it available as soon as possible and at an affordable price.”

Naloxone Distribution Project. A distribution program administered through the Department of Health Care Services (DHCS), the Naloxone Distribution Project (NDP) allows various entities, including schools, universities, and colleges, to apply for and obtain NH at no cost to the institution. As of February 20, 2024, the NDP has approved more than 10,800 applications for NH (17% of which are from schools and universities), distributed more than 3.8 million kits of NH and reversed more than 245,000 opioid overdoses. DHCS reports that less than 1% of the overdose reversals reported in the NDP occurred in schools and universities.

Should there be age restrictions on accessing NH? In their NDP frequently asked questions, DHCS states, “California has no statute requiring minors to obtain parental or guardian consent prior to receiving NH.” According to the Substance Abuse and Mental Health Services Administration, there are no federal age restrictions on who may purchase nonprescription NH. ***The Committee may wish to consider whether*** there should be a minimum age requirement for a student to be permitted to carry and administer an opioid antagonist on school grounds.

Some California school districts have opted to make NH available. The Los Angeles Unified School District (LAUSD), the state’s largest school district, announced plans to stock NH 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 NH at schools with students in sixth grade or higher. Since 2020, Elk Grove Unified School District has provided NH 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 NH and made it available to them at that district’s high schools.

Recommended Committee Amendments. Staff recommend that the bill be amended as follows:

- 1) Limit the authorization for a student to carry and administer NH or another approved opioid antagonist to those 12 years of age or older.

Arguments in support. The Los Angeles Unified School District (LAUSD), the sponsor of the measure, writes “Naloxone is a crucial emergency response for individuals experiencing overdose from substances like fentanyl, and temporarily reverses the effects of an overdose in emergency scenarios. Naloxone is a safe, highly effective medicine used to reverse overdoses and save lives. Research shows that the availability of naloxone along with overdose education is effective at decreasing overdoses.

In October of 2022, LAUSD began receiving OTC Narcan through California’s Naloxone Distribution Project to be provided to school nurses or other trained personnel; however, in the moment of crisis these nurses or trained persons may not be available to attend to student’s needs. In February of 2023, as an extra layer of defense against the fentanyl epidemic, Los Angeles Unified created a policy that clarifies students will not face disciplinary actions if they carry the medication on campus. In addition, this bill protects youth from liability and criminal prosecution for administering the naloxone in good faith to combat an opioid overdose.

The exponential rise in fentanyl deaths highlights the urgent need for action. This bill will increase the potential for people to receive immediate, lifesaving countermeasures in case of an overdose that would otherwise be impossible.”

Related legislation. AB 3271 (Joe Patterson) of the 2023-24 Session would require each public school that has chosen to permit school nurses or voluntarily trained personnel to use NH or another opioid antagonist to provide emergency medical aid to persons suffering from an opioid overdose, to maintain at least two units of NH or another opioid antagonist on its site.

AB 1915 (Arambula) of the 2023-24 Session would require the CDPH to develop, by July 1, 2026, a training program and toolkit for public school students in grades nine to 12, to gain skills in how to identify and respond to an opioid overdose, including the administering of a federally approved opioid overdose reversal medication.

SB 997 (Portantino) of the 2023-24 Session would require middle and high schools operated by a LEA to stock and distribute fentanyl test strips, in addition to authorizing LEAs, COEs, and charter schools to develop and adopt a policy that allows pupils in middle and high schools to carry federally approved NH.

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 would have established a voluntary training program for high school students on how to administer NH during an opioid overdose; required the CDPH to develop the training and resource materials in collaboration with specified entities; and required schools that elect to stock NH to place it in specified locations. This bill was held in the Assembly Appropriations Committee.

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) of the 2023-24 Session would have required public schools to maintain at least two doses of NH 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 NH or another opioid antagonist pursuant to the standing order for NH and requires LEAs, COEs, and charter schools to report to the DHCS for failure to distribute NH. 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 have authorized public middle and high schools serving pupils in grades 5 to 12 to voluntarily determine whether or not to host the program on their campuses. The bill would require have required 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. This bill was held in the Senate Appropriations Committee.

AB 1748 (Mayes), Chapter 557, Statutes of 2016, authorizes school nurses and other trained personnel to use NH 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

American Academy of Pediatrics, California
Association of California School Administrators
California Association of Alcohol and Drug Program Executives
Los Angeles Unified School District
The Los Angeles Trust for Children's Health

Opposition

None on file

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