

2SHB 1039 - S AMD TO WM COMM AMD (S-3963.1/19) **663**
By Senator Frockt

NOT CONSIDERED 12/23/2019

1 Beginning on page 1, line 3, strike all of sections 1 through 3
2 and insert the following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) According to the centers for disease control and prevention,
5 the United States is in the midst of an opioid overdose epidemic;

6 (b) In 2017, opioids, including prescription opioids, heroin, and
7 fentanyl, killed more than forty-nine thousand people in the United
8 States. In 2017, opioids killed six hundred ninety-three people in
9 Washington and caused over one thousand six hundred hospitalizations
10 for opioid overdose;

11 (c) One way to prevent opioid overdose deaths is to expand access
12 to and use of nonaddictive, opioid overdose medications, such as
13 naloxone, that can reverse the effects of an opioid overdose when
14 administered in time and have no significant ill side effects;

15 (d) Therefore, the legislature intends to expand access easily
16 administered opioid overdose reversal medication that is easily
17 administered to seek to prevent overdoses at college residence halls
18 and public high schools.

19 (2) Using its general police power to prescribe laws tending to
20 promote the health and welfare of the people of the state, the
21 legislature intends to increase access to opioid overdose medication
22 at certain high schools and higher education institutions.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210
24 RCW to read as follows:

25 (1) For the purposes of this section:

26 (a) "High school" means a school enrolling students in any of
27 grades nine through twelve;

28 (b) "Opioid overdose medication" has the meaning provided in RCW
29 69.41.095;

30 (c) "Opioid-related overdose" has the meaning provided in RCW
31 69.41.095; and

1 (d) "Standing order" has the meaning provided in RCW 69.41.095.

2 (2) (a) For the purpose of assisting a person at risk of
3 experiencing an opioid-related overdose, a high school may obtain and
4 maintain opioid overdose medication through a standing order
5 prescribed and dispensed in accordance with RCW 69.41.095.

6 (b) Opioid overdose medication may be obtained from donation
7 sources, but must be maintained and administered in a manner
8 consistent with a standing order issued in accordance with RCW
9 69.41.095.

10 (c) A school district with two thousand or more students must
11 obtain and maintain at least one set of opioid overdose medication
12 doses in each of its high schools as provided in (a) and (b) of this
13 subsection. A school district that demonstrates a good faith effort
14 to obtain the opioid overdose medication through a donation source,
15 but is unable to do so, is exempt from the requirement in this
16 subsection (2) (c).

17 (3) (a) The following personnel may distribute or administer the
18 school-owned opioid overdose medication to respond to symptoms of an
19 opioid-related overdose pursuant to a prescription or a standing
20 order issued in accordance with RCW 69.41.095: (i) A school nurse;
21 (ii) a health care professional or trained staff person located at a
22 health care clinic on public school property or under contract with
23 the school district; or (iii) designated trained school personnel.

24 (b) Opioid overdose medication may be used on school property,
25 including the school building, playground, and school bus, as well as
26 during field trips or sanctioned excursions away from school
27 property. A school nurse or designated trained school personnel may
28 carry an appropriate supply of school-owned opioid overdose
29 medication on field trips or sanctioned excursions.

30 (4) Training for school personnel who have been designated to
31 distribute or administer opioid overdose medication under this
32 section must meet the requirements for training described in section
33 3 of this act and any rules or guidelines for such training adopted
34 by the office of the superintendent of public instruction. Each high
35 school is encouraged to designate and train at least one school
36 personnel to distribute and administer opioid overdose medication if
37 the high school does not have a full-time school nurse or trained
38 health care clinic staff.

39 (5) (a) The liability of a person or entity who complies with this
40 section and RCW 69.41.095 is limited as described in RCW 69.41.095.

1 (b) If a student is injured or harmed due to the administration
2 of opioid overdose medication that a practitioner, as defined in RCW
3 69.41.095, has prescribed and a pharmacist has dispensed to a school
4 under this section, the practitioner and pharmacist may not be held
5 responsible for the injury unless he or she acted with conscious
6 disregard for safety.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210
8 RCW to read as follows:

9 (1) For the purposes of this section:

10 (a) "Opioid overdose medication" has the meaning provided in RCW
11 69.41.095; and

12 (b) "Opioid-related overdose" has the meaning provided in RCW
13 69.41.095.

14 (2) (a) To prevent opioid-related overdoses and respond to medical
15 emergencies resulting from overdoses, by January 1, 2020, the office
16 of the superintendent of public instruction, in consultation with the
17 department of health and the Washington state school directors'
18 association, shall develop opioid-related overdose policy guidelines
19 and training requirements for public schools and school districts.

20 (b) (i) The opioid-related overdose policy guidelines and training
21 requirements must include information about: The identification of
22 opioid-related overdose symptoms; how to obtain and maintain opioid
23 overdose medication on school property issued through a standing
24 order in accordance with section 2 of this act; how to obtain opioid
25 overdose medication through donation sources; the distribution and
26 administration of opioid overdose medication by designated trained
27 school personnel; free online training resources that meet the
28 training requirements in this section; and sample standing orders for
29 opioid overdose medication.

30 (ii) The opioid-related overdose policy guidelines may: Include
31 recommendations for the storage and labeling of opioid overdose
32 medications that are based on input from relevant health agencies or
33 experts; and allow for opioid-related overdose medications to be
34 obtained, maintained, distributed, and administered by health care
35 professionals and trained staff located at a health care clinic on
36 public school property or under contract with the school district.

37 (c) In addition to being offered by the school, training on the
38 distribution or administration of opioid overdose medication that
39 meets the requirements of this subsection (2) may be offered by

1 nonprofit organizations, higher education institutions, and local
2 public health organizations.

3 (3) (a) By March 1, 2020, the Washington state school directors'
4 association must collaborate with the office of the superintendent of
5 public instruction and the department of health to either update
6 existing model policy or develop a new model policy that meets the
7 requirements of subsection (2) of this section.

8 (b) Beginning with the 2020-21 school year, the following school
9 districts must adopt an opioid-related overdose policy: (a) School
10 districts with a school that obtains, maintains, distributes, or
11 administers opioid overdose medication under section 2 of this act;
12 and (b) school districts with two thousand or more students.

13 (c) The office of the superintendent of public instruction and
14 the Washington state school directors' association must maintain the
15 model policy and procedure on each agency's web site at no cost to
16 school districts.

17 (4) Subject to the availability of amounts appropriated for this
18 specific purpose, the office of the superintendent of public
19 instruction shall develop and administer a grant program to provide
20 funding to public schools with any of grades nine through twelve and
21 public higher education institutions to purchase opioid overdose
22 medication and train personnel on the administration of opioid
23 overdose medication to respond to symptoms of an opioid-related
24 overdose. The office must publish on its web site a list of annual
25 grant recipients, including award amounts."

26 Beginning on page 8, line 34, strike all of section 6 and insert
27 the following:

28 "NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10
29 RCW to read as follows:

30 (1) For the purposes of this section:

31 (a) "Opioid overdose medication" has the meaning provided in RCW
32 69.41.095; and

33 (b) "Opioid-related overdose" has the meaning provided in RCW
34 69.41.095.

35 (2) By the beginning of the 2019-20 academic year, a public
36 institution of higher education with a residence hall housing at
37 least one hundred students must develop a plan: (a) For the
38 maintenance and administration of opioid overdose medication in and

1 around the residence hall; and (b) for the training of designated
2 personnel to administer opioid overdose medication to respond to
3 symptoms of an opioid-related overdose. The training may utilize free
4 online training resources including, but not limited to, the free
5 online training resources identified as appropriate for public
6 schools in section 3 of this act. The plan may identify: The ratio of
7 residents to opioid overdose medication doses; the designated trained
8 personnel, who may include residence hall advisers; and whether the
9 designated trained personnel covers more than one residence hall.
10 (3) The state board for community and technical colleges shall
11 assist an individual community or technical college with applying for
12 grants or donations to obtain opioid overdose medication at no cost
13 or at a discount."

EFFECT: (1) Limits the schools that are permitted to obtain and maintain opioid overdose medication to high schools.

(2) Exempts school districts with 2000 or more students from the requirement to have opioid overdose medication in all of its high schools if they make a good faith effort to obtain the medication from a donation source but are unable to do so.

(3) Requires the training developed by OSPI to include information about how to obtain opioid overdose medication through donation sources and free online training resources.

(4) Requires the State Board for Community and Technical Colleges to assist an individual community or technical college with applying for grants or donations to obtain opioid overdose medication at no cost or at a discount.

(5) Modifies the intent section.

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