

HOUSE BILL REPORT

E2SHB 1956

As Passed House:

February 9, 2024

Title: An act relating to fentanyl and other substance use prevention education.

Brief Description: Addressing fentanyl and other substance use prevention education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Griffey, Ryu, Couture, Ramel, Slatter, Reed, Ormsby, Barnard, Callan, Timmons, Kloba, Cheney, Doglio, Paul, Berg, Lekanoff, Reeves, Riccelli, Wylie, Hackney, Pollet and Shavers; by request of Office of the Governor).

Brief History:

Committee Activity:

Education: 1/18/24, 1/25/24 [DPS];

Appropriations: 2/3/24, 2/5/24 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 2/9/24, 97-0.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Department of Health to develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic that meets specified requirements.
- Requires the Office of the Superintendent of Public Instruction (OSPI) to develop, periodically update, and make available school and classroom substance use prevention and awareness materials.
- Directs the OSPI to adjust the state health and physical education learning standards for middle and high school students to add opioids to the list of drugs included in drug-related education.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Couture, Eslick, Harris, McClintock, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

Staff: Jordan Clarke (786-7123).

Background:

Opioids.

Opioids are a class of drugs that reduce the perception of pain and have other effects, for example drowsiness, confusion, and euphoria. Natural opioids, like morphine and codeine, are extracted from the poppy plant. Synthetic opioids are artificially created substances that act on the same brain receptors as natural opioids. Some synthetic opioids, like methadone and fentanyl, are approved for medical use, but must be prescribed by an authorized health care provider. Some synthetic opioids are illicitly produced and distributed.

Substance Use Awareness Information.

The Department of Health (DOH) is required to post on its website information about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs and over-the-counter medications. Each school district, charter school, state-tribal education compact school, and educational service district (ESD) must make the DOH substance use information accessible to students, families, and other interested persons through internet-based communications at least quarterly.

The Health Care Authority (HCA) is required, through the biennial budget, to conduct various opioid awareness campaigns for various purposes, including harm reduction, overdose prevention, secondary prevention, and youth education. The HCA is required to consult with the DOH when conducting these public awareness efforts.

State Health Learning Standards.

The Office of the Superintendent of Public Instruction is responsible for developing and revising the state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on four basic education learning goals established by the Legislature. There are learning standards available in 14 content areas, including health. The health education learning standards, which were last updated in 2016, are organized by six core ideas. One of the core ideas, for which grade level outcomes are specified, is substance use and abuse prevention.

Summary of Engrossed Second Substitute Bill:

Drug Overdose Prevention and Awareness Campaign.

The Department of Health (DOH) must develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic. The campaign must educate the public about the dangers of methamphetamines and opioids, including fentanyl, and the harms caused by drug use. The campaign must include outreach to both youth and adults aimed at preventing substance use and overdose deaths. This requirement expires July 1, 2029.

The DOH, in consultation with the Health Care Authority (HCA), may also include messaging focused on substance use disorder and overdose death prevention, resources for addiction treatment and services, and information on immunity for people who seek medical assistance in a drug overdose situation.

The 2024 and 2025 campaigns must focus on increasing the awareness of the dangers of fentanyl and other synthetic opioids, including the high possibility that other drugs are contaminated with synthetic opioids and that even trace amounts of synthetic opioids can be lethal.

The DOH must submit annual reports to the Legislature on the content and distribution of the statewide drug overdose prevention and awareness campaign. The report must include a summary of the messages distributed during the campaign, the mediums through which the campaign was operated, and data on how many individuals received information through the campaign.

School and Classroom Substance Use Prevention and Awareness Materials.

Through July 1, 2026, the Office of the Superintendent of Public Instruction (OSPI) must collaborate with the DOH, the HCA, other state agencies, and educational service districts (ESDs) to develop school and classroom materials on the lethality of fentanyl and other opioids in coordination with the statewide drug overdose prevention and awareness campaign. The OSPI must make these materials available to school districts and public schools.

By December 1, 2025, the OSPI must adjust the state health and physical education learning

standards for middle and high school students to add opioids to the list of drugs included in drug-related education and update the school and classroom materials described above to reflect the adjusted learning standards. The OSPI must also make these materials available to school districts and public schools.

On an ongoing basis, the OSPI must collaborate with the DOH, the HCA, other state agencies, and ESDs to develop age-appropriate substance use prevention and awareness materials for school and classroom uses. These materials must be periodically updated to align with substance use prevention and awareness campaigns implemented by the DOH and the HCA. The OSPI must actively distribute the materials to school districts, public schools, educational service districts, and community-based organizations that provide extended learning opportunities, and strongly encourage the incorporation of age-appropriate materials in classrooms, as well as in family and community communications.

Short Title.

This act may be known and cited as the Lucas Petty Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Education):

(In support) The incidents of overdose deaths from opioids, including fentanyl have increased dramatically. Fentanyl is potent, cheap, and accessible. Addressing this public health crisis is a high priority that demands a variety of approaches, including making students aware of the dangers of fentanyl and other substances.

Education is a key component of the efforts to address the opioid epidemic. Many people do not understand the dangers of fentanyl and other opioids. They do not know that pills might be contaminated with lethal doses of fentanyl. People need to know the warning signs of substance use disorder.

Teens and young adults tend to be the groups that experiment with drugs without understanding the possible risks. It is situational awareness and personal choices that will keep youth out of danger most of the time. Some youth are now battling substance use disorder after encountering a substance that they thought was recreational.

The educational service districts have partnered with the Health Care Authority to provide substance use prevention and intervention education to students and parents. Federal agencies have also distributed materials to support state efforts to reduce substance use and

misuse of drugs.

Many state agencies have worked together to develop this bill, which is part of a broader strategy to address the fentanyl crisis. Communities and tribal leaders have asked for this bill. Everyone needs to work together. This education will help discourage the use of drugs and prepare youth to have better decision-making skills when they come across drugs.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Addressing the fentanyl crisis is a high priority for the Governor, and education and prevention is an important part of this strategy. Youth need to be made aware of the potential lethality of fentanyl, and how it can be laced into other drugs or look like prescription pain killers. The damage caused by fentanyl is unlike any drug the world has seen before, and it is necessary to act quickly to avoid additional lives lost. Fentanyl now makes up the vast majority of opioid overdoses. There is broad support from education partners, tribal leaders, and parents, especially from parents who have lost children due to fentanyl poisoning.

(Opposed) None.

Persons Testifying (Education): Representative Mari Leavitt, prime sponsor; James Lewis, Snohomish County; Maria Petty; Melissa Gombosky, Association of Educational Service Districts; Emma Potra; Kiran Parhar; Luis Garcia De Vicente; Corbin Kuhn; Jarred-Michael Erickson, Confederated Tribes of the Colville Reservation; Maddy Thompson, Office of the Governor; and Anthony Fletcher, City of Everett.

Persons Testifying (Appropriations): Maddy Thompson, Office of the Governor.

Persons Signed In To Testify But Not Testifying (Education): Mikhail Cherniske, Office of the Superintendent of Public Instruction; Casey Brown, Association of Washington School Principals; Simone Boe, Washington Education Association; Travis Sugarman, Washington State Department of Health; and John Worthington, Association of American Medical Colleges.

Persons Signed In To Testify But Not Testifying (Appropriations): None.