**1039-S2 AMS FROC S4158.1 - NOT FOR FLOOR USE**

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

By Senator Frockt

**NOT CONSIDERED 12/23/2019**

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

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

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

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

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

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

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

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

(1) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) For the purposes of this section:

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

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

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

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

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

(c) In addition to being offered by the school, training on the distribution or administration of opioid overdose medication that meets the requirements of this subsection (2) may be offered by nonprofit organizations, higher education institutions, and local public health organizations.

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

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

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

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

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

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

(1) For the purposes of this section:

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

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

(2) By the beginning of the 2019-20 academic year, a public institution of higher education with a residence hall housing at least one hundred students must develop a plan: (a) For the maintenance and administration of opioid overdose medication in and around the residence hall; and (b) for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose. The training may utilize free online training resources including, but not limited to, the free online training resources identified as appropriate for public schools in section 3 of this act. The plan may identify: The ratio of residents to opioid overdose medication doses; the designated trained personnel, who may include residence hall advisers; and whether the designated trained personnel covers more than one residence hall.

(3) The state board for community and technical colleges shall 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."

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.