

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1748

Introduced by Assembly Member Mayes

February 2, 2016

An act to ~~amend Section 48913 of~~ *add Section 4119.8 to the Business and Professions Code, and to add Section 49414.3 to the Education Code, relating to pupils.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1748, as amended, Mayes. Pupils: ~~suspensions: completion of missed work:~~ *pupil health: opioid antagonist.*

(1) Existing law authorizes a pharmacy to furnish epinephrine auto-injectors to a school district, county office of education, or charter school if certain conditions are met. Existing law requires the school district, county office of education, or charter school to maintain records regarding the acquisition and disposition of epinephrine auto-injectors furnished by the pharmacy for a period of 3 years from the date the records were created.

This bill would authorize a pharmacy to furnish naloxone hydrochloride or another opioid antagonist to a school district, county office of education, or charter school if certain conditions are met. The bill would require the school district, county office of education, or charter school to maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist furnished by the pharmacy for a period of 3 years from the date the records were created.

(2) Under existing law, the governing board of any school district is required to give diligent care to the health and physical development

of pupils, and may employ properly certified persons for that work. Existing law requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained volunteer personnel and authorizes school nurses and trained personnel to use epinephrine auto-injectors to provide emergency medical aid to persons suffering or reasonably believed to be suffering, from an anaphylactic reaction, as provided.

This bill would authorize a school district, county office of education, or charter school to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses and trained personnel who have volunteered, as specified, and authorizes school nurses and trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. The bill would expressly authorize each public and private elementary and secondary school in the state to voluntarily determine whether or not to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available at its school and to designate one or more school personnel to receive prescribed training regarding naloxone hydrochloride or another opioid antagonist from individuals in specified positions. The bill would require the Superintendent of Public Instruction to establish minimum standards of training for the administration of naloxone hydrochloride or another opioid antagonist, to review these standards every 5 years or sooner as specified, and to consult with organizations and providers with expertise in administering naloxone hydrochloride or another opioid antagonist and administering medication in a school environment in developing and reviewing those standards. The bill would require a qualified supervisor of health or administrator at a school district, county office of education, or charter school electing to utilize naloxone hydrochloride or another opioid antagonist for emergency medical aid to obtain the prescription for naloxone hydrochloride or another opioid antagonist from an authorizing physician and surgeon, as defined, and would authorize the prescription to be filled by local or mail order pharmacies or naloxone hydrochloride or another opioid antagonist manufacturers. The bill would authorize school nurses or, if the school does not have a school nurse, a person who has received training regarding naloxone hydrochloride or another opioid antagonist, to immediately administer naloxone hydrochloride or another opioid antagonist under certain circumstances. The bill would require those individuals to initiate

emergency medical services or other appropriate medical followup in accordance with written training materials. The bill would prohibit an authorizing physician and surgeon from being subject to professional review, being liable in a civil action, or being subject to criminal prosecution for any act in the issuing of a prescription or order, pursuant to these provisions, unless the act constitutes gross negligence or willful or malicious conduct. The bill would prohibit a person trained under these provisions, who acts with reasonable care in administering naloxone hydrochloride or another opioid antagonist, in good faith, to a person who is experiencing or is suspected of experiencing an opioid overdose from being subject to professional review, being liable in a civil action, or being subject to criminal prosecution for this administration.

~~Existing law authorizes the teacher of any class from which a pupil is suspended to require the suspended pupil to complete any assignments and tests missed during the suspension.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4119.8 is added to the Business and
2 Professions Code, to read:

3 4119.8. (a) Notwithstanding any other law, a pharmacy may
4 furnish naloxone hydrochloride or another opioid antagonist to a
5 school district, county office of education, or charter school
6 pursuant to Section 49414.3 of the Education Code if all of the
7 following are met:

8 (1) The naloxone hydrochloride or another opioid antagonist
9 is furnished exclusively for use at a school district schoolsite,
10 county office of education schoolsite, or charter school.

11 (2) A physician and surgeon provides a written order that
12 specifies the quantity of naloxone hydrochloride or another opioid
13 antagonist to be furnished.

14 (b) Records regarding the acquisition and disposition of
15 naloxone hydrochloride or another opioid antagonist furnished
16 pursuant to subdivision (a) shall be maintained by the school
17 district, county office of education, or charter school for a period
18 of three years from the date the records were created. The school

1 district, county office of education, or charter school shall be
2 responsible for monitoring the supply of naloxone hydrochloride
3 or another opioid antagonist and ensuring the destruction of
4 expired naloxone hydrochloride or another opioid antagonist.

5 SEC. 2. Section 49414.3 is added to the Education Code, to
6 read:

7 49414.3. (a) School districts, county offices of education, and
8 charter schools may provide emergency naloxone hydrochloride
9 or another opioid antagonist to school nurses or trained personnel
10 who have volunteered pursuant to subdivision (d), and school
11 nurses or trained personnel may use naloxone hydrochloride or
12 another opioid antagonist to provide emergency medical aid to
13 persons suffering, or reasonably believed to be suffering, from an
14 opioid overdose. Any school district, county office of education,
15 or charter school choosing to exercise the authority provided under
16 this subdivision shall not receive state funds specifically for
17 purposes of this subdivision.

18 (b) For purposes of this section, the following terms have the
19 following meanings:

20 (1) "Authorizing physician and surgeon" may include, but is
21 not limited to, a physician and surgeon employed by, or contracting
22 with, a local educational agency, a medical director of the local
23 health department, or a local emergency medical services director.

24 (2) "Opioid antagonist" means naloxone hydrochloride or
25 another drug approved by the federal Food and Drug
26 Administration that, when administered, negates or neutralizes in
27 whole or in part the pharmacological effects of an opioid in the
28 body, and has been approved for the treatment of an opioid
29 overdose.

30 (3) "Qualified supervisor of health" may include, but is not
31 limited to, a school nurse.

32 (4) "Volunteer" or "trained personnel" means an employee
33 who has volunteered to administer naloxone hydrochloride or
34 another opioid antagonist to a person if the person is suffering,
35 or reasonably believed to be suffering, from an opioid overdose,
36 has been designated by a school, and has received training
37 pursuant to subdivision (d).

38 (c) Each private elementary and secondary school in the state
39 may voluntarily determine whether or not to make emergency
40 naloxone hydrochloride or another opioid antagonist and trained

1 *personnel available at its school. In making this determination, a*
2 *private school shall evaluate the emergency medical response time*
3 *to the school and determine whether initiating emergency medical*
4 *services is an acceptable alternative to naloxone hydrochloride*
5 *or another opioid antagonist and trained personnel. A private*
6 *elementary or secondary school choosing to exercise the authority*
7 *provided under this subdivision shall not receive state funds*
8 *specifically for purposes of this subdivision.*

9 *(d) Each public and private elementary and secondary school*
10 *in the state may designate one or more volunteers to receive initial*
11 *and annual refresher training, based on the standards developed*
12 *pursuant to subdivision (e), regarding the storage and emergency*
13 *use of naloxone hydrochloride or another opioid antagonist from*
14 *the school nurse or other qualified person designated by an*
15 *authorizing physician and surgeon. Any school choosing to exercise*
16 *the authority provided under this subdivision shall not receive*
17 *state funds specifically for purposes of this subdivision.*

18 *(e) (1) The Superintendent shall establish minimum standards*
19 *of training for the administration of naloxone hydrochloride or*
20 *another opioid antagonist that satisfies the requirements of*
21 *paragraph (2). Every five years, or sooner as deemed necessary*
22 *by the Superintendent, the Superintendent shall review minimum*
23 *standards of training for the administration of naloxone*
24 *hydrochloride or other opioid antagonists that satisfy the*
25 *requirements of paragraph (2). For purposes of this subdivision,*
26 *the Superintendent shall consult with organizations and providers*
27 *with expertise in administering naloxone hydrochloride or another*
28 *opioid antagonist and administering medication in a school*
29 *environment, including, but not limited to, the State Department*
30 *of Public Health, the Emergency Medical Services Authority, the*
31 *California School Nurses Organization, the California Medical*
32 *Association, the American Academy of Pediatrics, and others.*

33 *(2) Training established pursuant to this subdivision shall*
34 *include all of the following:*

35 *(A) Techniques for recognizing symptoms of an opioid overdose.*

36 *(B) Standards and procedures for the storage, restocking, and*
37 *emergency use of naloxone hydrochloride or another opioid*
38 *antagonist.*

1 (C) *Emergency followup procedures, including calling the*
2 *emergency 911 telephone number and contacting, if possible, the*
3 *pupil's parent and physician.*

4 (D) *Recommendations on the necessity of instruction and*
5 *certification in cardiopulmonary resuscitation.*

6 (E) *Written materials covering the information required under*
7 *this subdivision.*

8 (3) *Training established pursuant to this subdivision shall be*
9 *consistent with the most recent guidelines for medication*
10 *administration issued by the department.*

11 (4) *A school shall retain for reference the written materials*
12 *prepared under subparagraph (E) of paragraph (2).*

13 (f) *Any school district, county office of education, or charter*
14 *school electing to utilize naloxone hydrochloride or another opioid*
15 *antagonist for emergency aid shall distribute a notice at least once*
16 *per school year to all staff that contains the following information:*

17 (1) *A description of the volunteer request stating that the request*
18 *is for volunteers to be trained to administer naloxone hydrochloride*
19 *or another opioid antagonist to a person if the person is suffering,*
20 *or reasonably believed to be suffering, from an opioid overdose.*

21 (2) *A description of the training that the volunteer will receive*
22 *pursuant to subdivision (d).*

23 (g) (1) *A qualified supervisor of health at a school district,*
24 *county office of education, or charter school electing to utilize*
25 *naloxone hydrochloride or another opioid antagonist for*
26 *emergency aid shall obtain from an authorizing physician and*
27 *surgeon a prescription for each school for naloxone hydrochloride*
28 *or another opioid antagonist. A qualified supervisor of health at*
29 *a school district, county office of education, or charter school shall*
30 *be responsible for stocking the naloxone hydrochloride or another*
31 *opioid antagonist and restocking it if it is used.*

32 (2) *If a school district, county office of education, or charter*
33 *school does not have a qualified supervisor of health, an*
34 *administrator at the school district, county office of education, or*
35 *charter school shall carry out the duties specified in paragraph*
36 *(1).*

37 (3) *A prescription pursuant to this subdivision may be filled by*
38 *local or mail order pharmacies or naloxone hydrochloride or*
39 *another opioid antagonist manufacturers.*

1 (4) *An authorizing physician and surgeon shall not be subject*
2 *to professional review, be liable in a civil action, or be subject to*
3 *criminal prosecution for the issuance of a prescription or order*
4 *pursuant to this section, unless the physician and surgeon's*
5 *issuance of the prescription or order constitutes gross negligence*
6 *or willful or malicious conduct.*

7 (h) *A school nurse or, if the school does not have a school nurse*
8 *or the school nurse is not onsite or available, a volunteer may*
9 *administer naloxone hydrochloride or another opioid antagonist*
10 *to a person exhibiting potentially life-threatening symptoms of an*
11 *opioid overdose at school or a school activity when a physician*
12 *is not immediately available. If the naloxone hydrochloride or*
13 *another opioid antagonist is used it shall be restocked as soon as*
14 *reasonably possible, but no later than two weeks after it is used.*
15 *Naloxone hydrochloride or another opioid antagonist shall be*
16 *restocked before their expiration date.*

17 (i) *A volunteer shall initiate emergency medical services or*
18 *other appropriate medical followup in accordance with the training*
19 *materials retained pursuant to paragraph (4) of subdivision (e).*

20 (j) *A school district, county office of education, or charter school*
21 *electing to utilize naloxone hydrochloride or another opioid*
22 *antagonist for emergency aid shall ensure that each employee who*
23 *volunteers under this section will be provided defense and*
24 *indemnification by the school district, county office of education,*
25 *or charter school for any and all civil liability, in accordance with,*
26 *but not limited to, that provided in Division 3.6 (commencing with*
27 *Section 810) of Title 1 of the Government Code. This information*
28 *shall be reduced to writing, provided to the volunteer, and retained*
29 *in the volunteer's personnel file.*

30 (k) *Notwithstanding any other law, a person trained as required*
31 *under subdivision (d), who acts with reasonable care in*
32 *administering naloxone hydrochloride or another opioid*
33 *antagonist, in good faith, to a person who is experiencing or is*
34 *suspected of experiencing an opioid overdose shall not be subject*
35 *to professional review, be liable in a civil action, or be subject to*
36 *criminal prosecution for this administration.*

37 (l) *A state agency, the department, or a public school may accept*
38 *gifts, grants, and donations from any source for the support of the*
39 *public school carrying out the provisions of this section, including,*

1 *but not limited to, the acceptance of naloxone hydrochloride or*
2 *another opioid antagonist from a manufacturer or wholesaler.*

3 SECTION 1. ~~Section 48913 of the Education Code is amended~~
4 ~~to read:~~

5 48913. ~~The teacher of a class from which a pupil is suspended~~
6 ~~may require the suspended pupil to complete any assignments and~~
7 ~~tests missed during the suspension.~~