

AMENDED IN ASSEMBLY MAY 11, 2016
AMENDED IN ASSEMBLY APRIL 25, 2016
AMENDED IN ASSEMBLY APRIL 14, 2016
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 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: 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~~ a 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 the State Department of Education to include on its Internet Web site a clearinghouse for best practices in training nonmedical personnel to administer naloxone hydrochloride or another opioid antagonist to pupils. The bill would require a school district, county office of education, or charter school choosing to exercise the authority to provide emergency naloxone hydrochloride or another opioid antagonist to provide the training for the volunteers at no cost to the volunteers and during the volunteers' regular working hours. 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 provide that volunteers may only administer naloxone hydrochloride or another opioid antagonist by nasal spray. 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 administers naloxone hydrochloride or another opioid antagonist, in good faith and not for compensation, to a person who appears to be 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.

Vote: majority. Appropriation: no. Fiscal committee: 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 is
- 9 furnished exclusively for use at a school district schoolsite, county
- 10 office of education schoolsite, or charter school.

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

4 (b) Records regarding the acquisition and disposition of
5 naloxone hydrochloride or another opioid antagonist furnished
6 pursuant to subdivision (a) shall be maintained by the school
7 district, county office of education, or charter school for a period
8 of three years from the date the records were created. The school
9 district, county office of education, or charter school shall be
10 responsible for monitoring the supply of naloxone hydrochloride
11 or another opioid antagonist and ensuring the destruction of expired
12 naloxone hydrochloride or another opioid antagonist.

13 SEC. 2. Section 49414.3 is added to the Education Code, to
14 read:

15 49414.3. (a) School districts, county offices of education, and
16 charter schools may provide emergency naloxone hydrochloride
17 or another opioid antagonist to school nurses or trained personnel
18 who have volunteered pursuant to subdivision (d), and school
19 nurses or trained personnel may use naloxone hydrochloride or
20 another opioid antagonist to provide emergency medical aid to
21 persons suffering, or reasonably believed to be suffering, from an
22 opioid overdose.

23 (b) For purposes of this section, the following terms have the
24 following meanings:

25 (1) “Authorizing physician and surgeon” may include, but is
26 not limited to, a physician and surgeon employed by, or contracting
27 with, a local educational agency, a medical director of the local
28 health department, or a local emergency medical services director.

29 (2) “Opioid antagonist” means naloxone hydrochloride or
30 another drug approved by the federal Food and Drug
31 Administration that, when administered, negates or neutralizes in
32 whole or in part the pharmacological effects of an opioid in the
33 body, and has been approved for the treatment of an opioid
34 overdose.

35 (3) “Qualified supervisor of health” may include, but is not
36 limited to, a school nurse.

37 (4) “Volunteer” or “trained personnel” means an employee who
38 has volunteered to administer naloxone hydrochloride or another
39 opioid antagonist to a person if the person is suffering, or
40 reasonably believed to be suffering, from an opioid overdose, has

1 been designated by a school, and has received training pursuant
2 to subdivision (d).

3 (c) Each *public and* private elementary and secondary school
4 in the state may voluntarily determine whether or not to make
5 emergency naloxone hydrochloride or another opioid antagonist
6 and trained personnel available at its school. In making this
7 determination, a ~~private~~ school shall evaluate the emergency
8 medical response time to the school and determine whether
9 initiating emergency medical services is an acceptable alternative
10 to naloxone hydrochloride or another opioid antagonist and trained
11 personnel. A private elementary or secondary school choosing to
12 exercise the authority provided under this subdivision shall not
13 receive state funds specifically for purposes of this subdivision.

14 (d) (1) Each public and private elementary and secondary school
15 in the state may designate one or more volunteers to receive initial
16 and annual refresher training, based on the standards developed
17 pursuant to subdivision (e), regarding the storage and emergency
18 use of naloxone hydrochloride or another opioid antagonist from
19 the school nurse or other qualified person designated by an
20 authorizing physician and surgeon. A benefit shall not be granted
21 to or withheld from any individual based on his or her offer to
22 volunteer and there shall be no retaliation against any individual
23 for rescinding his or her offer to volunteer, including after receiving
24 training. Any school district, county office of education, or charter
25 school choosing to exercise the authority provided under this
26 subdivision shall provide the training for the volunteers at no cost
27 to the volunteer and during the volunteer's regular working hours.

28 (2) An employee who volunteers pursuant to this section may
29 rescind his or her offer to administer emergency naloxone
30 hydrochloride or another opioid antagonist at any time, including
31 after receipt of training.

32 (e) (1) The Superintendent shall establish minimum standards
33 of training for the administration of naloxone hydrochloride or
34 another opioid antagonist that satisfies the requirements of
35 paragraph (2). Every five years, or sooner as deemed necessary
36 by the Superintendent, the Superintendent shall review minimum
37 standards of training for the administration of naloxone
38 hydrochloride or other opioid antagonists that satisfy the
39 requirements of paragraph (2). For purposes of this subdivision,
40 the Superintendent shall consult with organizations and providers

1 with expertise in administering naloxone hydrochloride or another
2 opioid antagonist and administering medication in a school
3 environment, including, but not limited to, the State Department
4 of Public Health, the Emergency Medical Services Authority, the
5 California School Nurses Organization, the California Medical
6 Association, the American Academy of Pediatrics, and others.

7 (2) Training established pursuant to this subdivision shall include
8 all of the following:

9 (A) Techniques for recognizing symptoms of an opioid
10 overdose.

11 (B) Standards and procedures for the storage, restocking, and
12 emergency use of naloxone hydrochloride or another opioid
13 antagonist.

14 (C) Basic emergency followup procedures, including, but not
15 limited to, a requirement for the school or charter school
16 administrator or, if the administrator is not available, another school
17 staff member to call the emergency 911 telephone number and to
18 contact the pupil's parent or guardian. The requirement for the
19 school or charter school administrator or other school staff member
20 to call the emergency 911 telephone number shall not require a
21 pupil to be transported to an emergency room.

22 (D) Recommendations on the necessity of instruction and
23 certification in cardiopulmonary resuscitation.

24 (E) Written materials covering the information required under
25 this subdivision.

26 (3) Training established pursuant to this subdivision shall be
27 consistent with the most recent guidelines for medication
28 administration issued by the department.

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

31 (5) The department shall include on its Internet Web site a
32 clearinghouse for best practices in training nonmedical personnel
33 to administer naloxone hydrochloride or another opioid antagonist
34 to pupils.

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

39 (1) A description of the volunteer request stating that the request
40 is for volunteers to be trained to administer naloxone hydrochloride

1 or another opioid antagonist to a person if the person is suffering,
2 or reasonably believed to be suffering, from an opioid overdose.

3 (2) A description of the training that the volunteer will receive
4 pursuant to subdivision (d).

5 (3) The right of an employee to rescind his or her offer to
6 volunteer pursuant to this section.

7 (4) A statement that no benefit will be granted to or withheld
8 from any individual based on his or her offer to volunteer and that
9 there will be no retaliation against any individual for rescinding
10 his or her offer to volunteer, including after receiving training.

11 (g) (1) A qualified supervisor of health at a school district,
12 county office of education, or charter school electing to utilize
13 naloxone hydrochloride or another opioid antagonist for emergency
14 aid shall obtain from an authorizing physician and surgeon a
15 prescription for each school for naloxone hydrochloride or another
16 opioid antagonist. A qualified supervisor of health at a school
17 district, county office of education, or charter school shall be
18 responsible for stocking the naloxone hydrochloride or another
19 opioid antagonist and restocking it if it is used.

20 (2) If a school district, county office of education, or charter
21 school does not have a qualified supervisor of health, an
22 administrator at the school district, county office of education, or
23 charter school shall carry out the duties specified in paragraph (1).

24 (3) A prescription pursuant to this subdivision may be filled by
25 local or mail order pharmacies or naloxone hydrochloride or
26 another opioid antagonist manufacturers.

27 (4) An authorizing physician and surgeon shall not be subject
28 to professional review, be liable in a civil action, or be subject to
29 criminal prosecution for the issuance of a prescription or order
30 pursuant to this section, unless the physician and surgeon's issuance
31 of the prescription or order constitutes gross negligence or willful
32 or malicious conduct.

33 (h) (1) A school nurse or, if the school does not have a school
34 nurse or the school nurse is not onsite or available, a volunteer
35 may administer naloxone hydrochloride or another opioid
36 antagonist to a person exhibiting potentially life-threatening
37 symptoms of an opioid overdose at school or a school activity
38 when a physician is not immediately available. If the naloxone
39 hydrochloride or another opioid antagonist is used it shall be
40 restocked as soon as reasonably possible, but no later than two

1 weeks after it is used. Naloxone hydrochloride or another opioid
2 antagonist shall be restocked before its expiration date.

3 (2) Volunteers may only administer naloxone hydrochloride or
4 another opioid antagonist by nasal spray.

5 (i) A school district, county office of education, or charter school
6 electing to utilize naloxone hydrochloride or another opioid
7 antagonist for emergency aid shall ensure that each employee who
8 volunteers under this section will be provided defense and
9 indemnification by the school district, county office of education,
10 or charter school for any and all civil liability, in accordance with,
11 but not limited to, that provided in Division 3.6 (commencing with
12 Section 810) of Title 1 of the Government Code. This information
13 shall be reduced to writing, provided to the volunteer, and retained
14 in the volunteer’s personnel file.

15 (j) (1) Notwithstanding any other law, a person trained as
16 required under subdivision (d), who administers naloxone
17 hydrochloride or another opioid antagonist, in good faith and not
18 for compensation, to a person who appears to be experiencing an
19 opioid overdose shall not be subject to professional review, be
20 liable in a civil action, or be subject to criminal prosecution for
21 his or her acts or omissions in administering the naloxone
22 hydrochloride or another opioid antagonist.

23 (2) The protection specified in paragraph (1) shall not apply in
24 a case of gross negligence or willful and wanton misconduct of
25 the person who renders emergency care treatment by the use of
26 naloxone hydrochloride or another opioid antagonist.

27 (3) Any public employee who volunteers to administer naloxone
28 hydrochloride or another opioid antagonist pursuant to subdivision
29 (d) is not providing emergency medical care “for compensation,”
30 notwithstanding the fact that he or she is a paid public employee.

31 (k) A state agency, the department, or a public school may
32 accept gifts, grants, and donations from any source for the support
33 of the public school carrying out the provisions of this section,
34 including, but not limited to, the acceptance of naloxone
35 hydrochloride or another opioid antagonist from a manufacturer
36 or wholesaler.

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