

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 601 Session of 2023

INTRODUCED BY BOYLE, HOHENSTEIN, PROBST, KINSEY, SCHLOSSBERG, KENYATTA, SANCHEZ, T. DAVIS, STRUZZI, HILL-EVANS, KRAJEWSKI, CIRESI, FREEMAN AND N. NELSON, MARCH 21, 2023

REFERRED TO COMMITTEE ON HEALTH, MARCH 21, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, providing
6 for possession and use of opioid antagonists.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1426. Possession and Use of Opioid Antagonists.--(a)
13 Within sixty (60) days of the effective date of this section,
14 the department, in consultation with the Department of Health,
15 shall develop a policy requiring each school entity offering
16 grade nine, ten, eleven or twelve to provide and maintain onsite
17 opioid antagonists in each school facility.

18 (b) The policy developed under this section:

19 (1) Shall include procedures to follow when dealing with a

1 suspected opioid overdose.

2 (2) May not require an individual to administer an opioid
3 antagonist.

4 (3) Shall provide the quantities and types of opioid
5 antagonists to be maintained by each school entity.

6 (c) To treat a case of suspected opioid overdose in a school
7 facility, a trained school nurse, teacher or other individual
8 considered qualified by the department may administer an opioid
9 antagonist during an emergency to a student or staff member
10 suspected of having an opioid-related drug overdose whether or
11 not there is a previous history of opioid abuse.

12 (d) A school nurse, teacher or other individual may receive
13 training in the administration of opioid antagonists provided by
14 the Department of Health.

15 (e) Opioid antagonists shall be maintained at each school
16 facility in a safe and secure location.

17 (f) When an opioid antagonist is administered to an
18 individual experiencing a drug overdose event at a school
19 facility, a school nurse, teacher or other individual considered
20 qualified by the department shall ensure that the individual is
21 transported to the nearest hospital emergency department for
22 medical care.

23 (g) The following shall apply regarding liability:

24 (1) A school nurse, teacher or individual who has completed
25 training as required by the department and who, acting in good
26 faith and with reasonable care, administers an opioid antagonist
27 to another individual who is believed to be suffering an opioid-
28 related drug overdose:

29 (i) Shall be immune from criminal prosecution, sanction
30 under professional licensing statute and civil liability for

1 administering the opioid antagonist.

2 (ii) May not be subject to professional review for
3 administering the opioid antagonist.

4 (iii) May not be liable for civil damages for acts or
5 omissions resulting from administration of the opioid
6 antagonist.

7 (2) The receipt of the required training and the prompt
8 seeking of additional medical assistance shall create a
9 rebuttable presumption that the individual acted with reasonable
10 care in administering the opioid antagonist.

11 (h) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection unless
13 the context clearly indicates otherwise:

14 "Department" means the Department of Education of the
15 Commonwealth.

16 "Drug overdose event" means an acute medical condition,
17 including severe physical illness, coma, mania, hysteria or
18 death, resulting from the consumption or use of one or more
19 controlled substances causing an adverse reaction. A patient's
20 condition shall be deemed to be a drug overdose if a prudent
21 person, possessing an average knowledge of medicine and health,
22 would reasonably believe that the condition is in fact a drug
23 overdose and requires immediate medical attention.

24 "Opioid antagonist" means a drug that binds to opioid
25 receptors and blocks or inhibits the effects of opioids acting
26 on those receptors. The term includes naloxone hydrochloride,
27 also known as Narcan or naloxone.

28 "School entity" means a public school, including a charter
29 school or cyber charter school, private school, nonpublic
30 school, intermediate unit or area career and technical school

1 operating within this Commonwealth.

2 Section 2. This act shall take effect in 60 days.