
SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No:	AB 889	Hearing Date:	June 21, 2023
Author:	Joe Patterson		
Version:	February 14, 2023		
Urgency:	No	Fiscal:	Yes
Consultant:	Kordell Hampton		

Subject: Pupil safety: parental notification: synthetic drugs.

SUMMARY

This bill requires a local educational agency (LEA), county office of education (COE), and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

BACKGROUND

Existing Law:

Education Code (EC)

- 1) Requires school district governing boards to notify parents and guardians of minor pupils of specified items at the beginning of the first semester or quarter of the regular school term. (EC § 48980)
- 2) Authorizes public and private elementary and secondary schools to voluntarily determine whether or not to make emergency naloxone or another opioid antagonist and trained personnel available at its school. Requires a school to evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to naloxone or another opioid antagonist and trained personnel. Prohibits a private elementary or secondary school from exercising the authority provided by this bill from receiving state funds for this purpose. (EC § 49414.3 (c))
- 3) Authorizes school districts, COEs, and charter schools to provide emergency naloxone or another opioid antagonist to school nurses or trained volunteer personnel to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. (EC § 49414.3 (a))
- 4) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall annually give the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the school district, charter school, or private school before the athlete initiates practice or

competition. The Opioid Factsheet for Patients may be sent and returned through an electronic medium, including, but not limited to, fax or email. (EC § 49476)

ANALYSIS

This bill requires an LEA, COE, and charter school to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites. Specifically, this bill:

- 1) Requires an LEA to inform the parents or guardians of each enrolled pupil about the dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, and about the possibility that dangerous synthetic drugs can be found in counterfeit pills.
- 2) Specifies the information related to the dangers associated with using synthetic drugs not prescribed by a physician and counterfeit pills, be annually provided to parents or guardians at the beginning of the first semester or quarter of the regular school term, as specified.
- 3) Requires, if an LEA maintains an internet website, the LEA shall post the information on their internet website and shall ensure that each school within the LEA that maintains an individual internet website also publishes the information on that school's internet website.
- 4) "Local educational agency" means an LEA, COE, or charter school.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "When I was growing up in the '80s and '90s, parents largely worried about their children using marijuana and drinking alcohol. Until recently, it never crossed my mind that a child could lose his or her life by making a single mistake experimenting with counterfeit prescription drug. This is why I wrote AB 889 so schools can educate both parents and children on the dangers of using synthetic drugs. I don't want other parents to have to wait for tragedy to strike for them to become aware of the dangers. AB 889 is a proactive approach and will save lives."
- 2) **Addressing Fentanyl Among California Youth.** According to the California Department of Public Health (CDPH), fentanyl-related overdose deaths increased 625 percent among ages 10-19 from 2018 to 2020. In 2021, there were 224 fentanyl-related overdose deaths among teens ages 15-19 in California. According to AB 1748 (Mayes) Chapter 557, Statutes of 2016, among other things, the State Superintendent of Public Instruction (SPI) must establish minimum training standards for school employees who volunteer to administer naloxone or another opioid antagonist. In addition to setting minimum training standards, the California Department of Education (CDE) must maintain on its website a clearinghouse for best practices in training nonmedical personnel to administer naloxone or another opioid antagonist to pupils.

In conjunction with the CDPH, the CDE provides LEAs with resources and information that they can readily share with parents and students to help keep them safe. The shareable Fentanyl Awareness and Prevention toolkit page offer information about the risks of fentanyl and how to prevent teen use and overdoses. In addition to the toolkit, the CDPH's Substance and Addiction Prevention branch provides resources for parents, guardians, caretakers, educators, schools, and youth-serving providers.

- 3) **Statewide Standing Order for Naloxone.** Naloxone can help reduce opioid overdose deaths in California, but many organizations find it challenging to obtain the required standing order to get naloxone from healthcare providers. According to CDPH, of the 6,843 opioid-related overdose deaths in 2021, 5,722 were related to fentanyl. CDPH issued the standing order in 2017 to address this need and support equitable naloxone access. The standing order:
- a) Allow community organizations and other entities in California that are not currently working with a physician to distribute naloxone to a person at risk of an opioid-related overdose or to a family member, friend, or another person in a position to assist; and
 - b) Allow for the administration of naloxone by a family member, friend, or other person to a person experiencing or reasonably suspected of experiencing an opioid overdose.

Among the organizations and entities that can distribute naloxone under the order are colleges and universities. An individual at risk of experiencing an overdose or someone who can assist an individual at risk is allowed to do so. Under the statewide standing order, staff of community organizations and other entities distributing naloxone must be trained. They are also required to provide training to individuals who receive naloxone from them. Colleges and other organizations may apply to use the statewide standing order if they meet certain conditions.

A separate distribution program administered through The Department of Health Care Services (DHCS) allows universities and colleges to apply for and obtain naloxone at no cost to the institution. According to the CDPH website, since October 2018, their Naloxone Distribution Project (NDP) has distributed over 1 million units of naloxone and recorded over 57,000 overdose reversals.

- 4) **Local Action to Address Fentanyl.** LEAs and COEs have also adjusted to address this growing crisis. For example, the Lake County Office of Education and Washington Unified School District in West Sacramento recently implemented a local school naloxone policy consistent with state statutes. San Diego Unified School District created its naloxone toolkit to aid other LEAs and inform parents and guardians.

This bill is consistent with current efforts taken by LEAs in that it would require an LEA, COE, and charter school to inform parents or guardians annually of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

5) Related Legislation

AB 19 (Patterson, 2023) would require each public school operated by an LEA, COE, or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist for purposes of those authorizations. *This bill is currently in Senate Education Committee.*

SB 472 (Hurtado, 2023) would require each campus of a public school operated by an LEA, COE, or charter school to maintain at least two doses on its campus, and distribute, naloxone hydrochloride or another opioid antagonist pursuant to the standing order for naloxone and requires LEAs, COEs, and charter school to report to the California Department of Health Care Services (DHCS) for failure to distribute naloxone. *This bill was held in Senate Appropriations.*

SB 234 (Portantino, 2023) would require schools kindergarten to 12 grade, institutions of higher education, stadiums, concert venues, and amusement parks, at all times, to maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its premise, ensure that at least two employees are aware of the location of the naloxone hydrochloride or other opioid antagonist, and expand community colleges ability to administer naloxone. SB 234 also provides civil protections to a person who helps naloxone hydrochloride or another opioid antagonist on a college campus stadium, concert venue, or amusement park to a person who appears to be experiencing an opioid overdose. *This bill is currently in Assembly Education Committee.*

AB 1748 (Mayes) Chapter 557, Statutes of 2016, authorizes LEAs to provide an emergency opioid antagonist to school nurses or trained personnel and authorizes a school nurse or trained personnel to administer an opioid antagonist to a person suffering from an opioid overdose.

SUPPORT

Los Angeles County Office of Education

OPPOSITION

None received

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