

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1774 Session of 2017

INTRODUCED BY BOYLE, TAYLOR, TOOHIL, DRISCOLL, SCHLOSSBERG,
 FREEMAN, BRIGGS, DAVIS, SCHWEYER, MURT, CHARLTON, D. COSTA,
 WATSON, O'BRIEN, DAVIDSON, DEAN, CALTAGIRONE, SOLOMON,
 NEILSON, J. HARRIS, WARD, FRANKEL, GILLEN, DeLUCA, WHEELAND,
 SIMS, ROZZI, BOBACK, WARREN AND GAINNEY, SEPTEMBER 12, 2017

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 12, 2017

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 1425. 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:

1 (1) Shall include procedures to follow when dealing with a
2 suspected opioid overdose.

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

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

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

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

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

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

24 (g) The following shall apply regarding liability:

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

30 (i) Shall be immune from criminal prosecution, sanction

1 under professional licensing statute and civil liability for
2 administering the opioid antagonist.

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

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

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

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

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

17 "Drug overdose event" means an acute medical condition,
18 including, but not limited to, severe physical illness, coma,
19 mania, hysteria or death, resulting from the consumption or use
20 of one or more controlled substances causing an adverse
21 reaction. A patient's condition shall be deemed to be a drug
22 overdose if a prudent person, possessing an average knowledge of
23 medicine and health, would reasonably believe that the condition
24 is in fact a drug overdose and requires immediate medical
25 attention.

26 "Opioid antagonist" means a drug that binds to opioid
27 receptors and blocks or inhibits the effects of opioids acting
28 on those receptors. The term includes, but is not limited to,
29 naloxone hydrochloride, also known as Narcan or naloxone.

30 "School entity" means a public school, including a charter

1 school or cyber charter school, private school, nonpublic
2 school, intermediate unit or area vocational-technical school
3 operating within this Commonwealth.

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