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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 886 Session of  
2017

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INTRODUCED BY HUGHES, FONTANA, COSTA, VULAKOVICH, BREWSTER,  
RAFFERTY, RESCHENTHALER, LEACH, STEFANO, TARTAGLIONE, BOSCOLA  
AND KILLION, SEPTEMBER 11, 2017

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REFERRED TO EDUCATION, SEPTEMBER 11, 2017

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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," providing for emergency treatment of  
6 drug overdoses in schools.

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 an  
11 article to read:

12 ARTICLE XIV-B

13 EMERGENCY TREATMENT OF DRUG OVERDOSES IN SCHOOLS

14 Section 1401-B. Definitions.

15 The following words and phrases when used in this article  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "College." The term shall have the same meaning as the term  
19 "institution of higher education" as defined in section 302 of

1 the act of November 29, 2004 (P.L.1383, No.180), known as the  
2 Uniform Crime Reporting Act.

3 "Department." The Department of Education of the  
4 Commonwealth.

5 "Drug overdose event." An acute medical condition,  
6 including, but not limited to, severe physical illness, coma,  
7 mania, hysteria or death, resulting from the consumption or use  
8 of one or more controlled substances causing an adverse  
9 reaction. A patient's condition shall be deemed to be a drug  
10 overdose if a prudent person, possessing an average knowledge of  
11 medicine and health, would reasonably believe that the condition  
12 is in fact a drug overdose and requires immediate medical  
13 attention.

14 "Opioid antagonist." A drug that binds to opioid receptors  
15 and blocks or disinhibits the effects of opioids acting on those  
16 receptors. The term includes, but is not limited to, naloxone  
17 hydrochloride, also known as Narcan or naloxone.

18 "School entity." A public school, including a charter school  
19 or cyber charter school, private school, nonpublic school,  
20 intermediate unit or area vocational-technical school, operating  
21 within this Commonwealth.

22 Section 1402-B. School access to emergency opioid antagonists.

23 (a) Administration of opioid antagonists.--In accordance  
24 with a written policy approved by the department under section  
25 1404-B, a college or school entity may obtain a prescription for  
26 and store opioid antagonists to administer in the event of a  
27 drug overdose on campus or onsite.

28 (b) Authorization.--A college or school entity may authorize  
29 an employee to administer an opioid antagonist which meets the  
30 prescription on file for the college or school entity to:

1           (1) a student that the employee in good faith believes  
2           to be experiencing a drug overdose; or

3           (2) another employee or other individual located on  
4           campus or onsite that the employee in good faith believes to  
5           be experiencing a drug overdose.

6           (c) Health care professionals.--Notwithstanding section 11  
7           of the act of April 14, 1972 (P.L.233, No.64), known as The  
8           Controlled Substance, Drug, Device and Cosmetic Act, or any  
9           other laws of this Commonwealth, a health care professional  
10           authorized to prescribe opioid antagonists may prescribe,  
11           dispense or distribute opioid antagonists directly in the name  
12           of the college or school entity for storage and administration  
13           in accordance with this article.

14           Section 1403-B. Storage and administration of emergency opioid  
15           antagonists.

16           (a) Storage.--In accordance with a written policy approved  
17           by the department under section 1404-B, a college or school  
18           entity may maintain a supply of opioid antagonists in a safe and  
19           secure location on campus or onsite.

20           (b) Designated employees.-- A college or school entity which  
21           elects to obtain a prescription for and store opioid antagonists  
22           to administer in the event of a drug overdose on campus or  
23           onsite under this article shall designate an employee who shall  
24           be responsible for the storage and administration of opioid  
25           antagonists. The employee designated under this subsection must  
26           successfully complete the training program under section 1404-B  
27           within 90 days of the effective date of this section.

28           (c) Emergency services.--In the event that a student,  
29           employee or other individual is believed to be experiencing a  
30           drug overdose on the campus or site of a college or school

1 entity, the school nurse or designated employee under subsection  
2 (b) shall contact 911 immediately. The school nurse or  
3 designated employee under subsection (b) shall ensure that the  
4 individual is transported to the nearest hospital emergency  
5 department for medical care.

6 (d) Applicability.--The provisions of the act of September  
7 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, shall  
8 not apply to any of the following:

9 (1) Employees responsible for the storage and  
10 administration of opioid antagonists under subsection (b) if  
11 the storage and administration of the opioid antagonists is  
12 done in accordance with the directions from a health care  
13 professional that prescribed, dispensed or distributed the  
14 opioid antagonist.

15 (2) A person or organization acting in accordance with  
16 this article at the direction of a health care professional  
17 authorized to prescribe an opioid antagonist without  
18 additional charge or compensation.

19 Section 1404-B. Written opioid antagonists policy.

20 (a) Written policy.--A college or school entity which elects  
21 to obtain a prescription for and store opioid antagonists for  
22 administration in the event of a drug overdose on campus under  
23 this article shall develop a written policy for storing and  
24 administering opioid antagonists, including the employees who  
25 are authorized to store and administer opioid antagonists. The  
26 written policy shall be approved by the governing body of the  
27 college or school entity.

28 (b) Department approval.--Before obtaining, storing or  
29 administering opioid antagonists under this article, a college  
30 or school entity shall submit the written policy developed under

1 subsection (a) to the department. The department shall have 60  
2 days to approve or disapprove the written policy submitted by  
3 the college or school entity. If the written policy has not been  
4 approved or disapproved by the department within 60 days, the  
5 written policy shall be deemed approved.

6 (c) Guidelines.--Within 60 days of the effective date of  
7 this section, the department, in consultation with the  
8 Department of Health, shall develop guidelines for a school  
9 entity which educates students in grade levels nine, ten, eleven  
10 or twelve to store and administer opioid antagonists on the  
11 school facility's campus. The guidelines developed under this  
12 subsection:

13 (1) shall include procedures when dealing with a  
14 suspected opioid overdose;

15 (2) may not require an employee to administer an opioid  
16 antagonist; and

17 (3) shall provide the quantities and types of opioid  
18 antagonists which may be stored by a school entity.

19 Section 1405-B. Opioid antagonists training program.

20 The department shall, in consultation with the Department of  
21 Health, develop a training program for employees of colleges and  
22 school entities on the proper storage and administration  
23 techniques for opioid antagonists. An employee must complete the  
24 department-approved training program before storing or  
25 administering opioid antagonists under this article.

26 Section 1406-B. Civil immunity.

27 The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency  
28 response provider and bystander good Samaritan civil immunity),  
29 8337 (relating to civil immunity of school officers or employees  
30 relating to drug or alcohol abuse) and 8337.1 (relating to civil

1 immunity of school officers or employees relating to emergency  
2 care, first aid and rescue) shall apply to an employee who  
3 administers an opioid antagonist in accordance with this  
4 article.

5 Section 2. This act shall take effect in 30 days.