

# SENATE BILL 1060

F1, F2, D1

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CF HB 1082

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By: ~~Senator Miller~~ Senators Miller, Conway, Pinsky, Bates, Kagan,  
Nathan-Pulliam, Robinson, Salling, Simonaire, Waugh, Young, and Zucker

Introduced and read first time: February 13, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 15, 2017

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Heroin and Opioid Education and Community Action Act of 2017**  
3 **(Start Talking Maryland Act)**

4 FOR the purpose of ~~requiring the State Court Administrator of the Administrative Office~~  
5 ~~of the Courts to assess certain drug court programs to make certain determinations;~~  
6 ~~requiring the Governor to appropriate certain funds to certain agencies in a certain~~  
7 ~~fiscal year for certain purposes; requiring certain agencies to disburse certain grants~~  
8 ~~based on certain factors;~~ altering the name of a certain program; requiring the State  
9 Board of Education to establish certain standards for an altered training  
10 requirement; requiring the drug addiction and prevention education program to  
11 include certain instruction related to heroin and opioid addiction and prevention;  
12 requiring the instruction to be delivered in certain grade bands and as a certain unit;  
13 requiring certain county boards of education and certain institutions of higher  
14 education to establish certain policies; requiring a certain policy to authorize certain  
15 school nurses, school health services personnel, and other school personnel to  
16 administer naloxone or certain other medications to a student who is ~~determined to~~  
17 ~~be suffering from~~ reasonably believed to be experiencing a certain condition;  
18 requiring certain policies to include certain ~~training, procedures, procedures~~ and  
19 provisions; prohibiting certain nurses, school health services personnel, campus  
20 police, and health personnel from being held personally liable under certain  
21 circumstances; requiring certain county boards of education to either hire certain  
22 officials or develop and implement a certain program; ~~requiring certain county~~  
23 ~~boards to coordinate with certain counties to hire certain officials;~~ requiring certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



officials to perform certain duties; requiring certain public schools to submit certain reports to the State Department of Education under certain circumstances on or before a certain date each year; requiring the Department to develop and disseminate a certain form; requiring the Department to submit certain information to the General Assembly on or before certain dates; requiring certain policies to require certain students to participate in certain training, to require certain institutions of higher education to provide certain students with certain resources, and to require certain institutions to obtain and store naloxone or certain other medications to be used under certain circumstances; requiring certain institutions of higher education to report certain information to the Maryland Higher Education Commission on or before a certain date each year; requiring the Commission to submit certain information to the General Assembly on or before certain dates; providing for the application of certain provisions of this Act; requiring the Department to convene a workgroup that includes certain individuals and interested stakeholders to evaluate certain programs, develop certain proposals, and submit a certain report to the General Assembly on or before a certain date; and generally relating to policies that address heroin and opioid addiction and prevention.

~~BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 13–101(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)~~

~~BY adding to  
Article – Courts and Judicial Proceedings  
Section 13–101.1  
Annotated Code of Maryland  
(2013 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–411  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

BY adding to  
Article – Education  
Section 7–426.5; ~~and~~ 11–1201 through ~~11–1203~~ 11–1204 to be under the new subtitle  
“Subtitle 12. Heroin and Opioid Addiction and Prevention”; and 15–121  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

#### Preamble

WHEREAS, Heroin and opioid–related addiction and deaths are an epidemic of immense proportion in the State; and

1 WHEREAS, Opioids kill, and still they are in every county, city, community, and  
2 school in the State; and

3 WHEREAS, The Department of Health and Mental Hygiene reports that  
4 heroin-related deaths tripled in Maryland from 2011 to 2015, with 247 fatal overdoses in  
5 2011 to 748 fatal overdoses in 2015; and

6 WHEREAS, Maryland is the fifth worst state in the country for heroin and  
7 opioid-related deaths; and

8 WHEREAS, Maryland is the fifth best state in the country for public education; and

9 WHEREAS, Many addictions begin during the teenage years when teenagers gain  
10 access to prescriptions intended for family or friends; and

11 WHEREAS, Many parents and family members are unaware of how pervasive this  
12 epidemic has become; and

13 WHEREAS, Maryland students, families, educators, law enforcement, and public  
14 health officials need to “Start Talking” in a widespread and organized way about this  
15 epidemic in order to empower communities to support extensive prevention and recovery  
16 efforts; and

17 WHEREAS, Maryland can no longer pretend that the stories reported by the press  
18 are not in our own backyards; now, therefore,

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 ~~Article Courts and Judicial Proceedings~~

22 ~~13-101.~~

23 ~~(a) There is an Administrative Office of the Courts, headed by the State Court~~  
24 ~~Administrator. The Administrator is appointed by and holds office during the pleasure of~~  
25 ~~the Chief Judge of the Court of Appeals of Maryland. The Administrator shall have the~~  
26 ~~compensation provided in the State budget. The Administrative Office of the Courts shall~~  
27 ~~have a seal in the form the Chief Judge of the Court of Appeals approves. The courts of the~~  
28 ~~State shall take judicial notice of the seal.~~

29 ~~13-101.1.~~

30 ~~(A) THE STATE COURT ADMINISTRATOR SHALL ASSESS DRUG COURT~~  
31 ~~PROGRAMS IN CIRCUIT COURTS, INCLUDING JUVENILE COURTS, AND THE DISTRICT~~  
32 ~~COURT TO DETERMINE HOW TO INCREASE THESE PROGRAMS IN A MANNER~~  
33 ~~SUFFICIENT TO MEET EACH COUNTY'S NEEDS.~~

~~(B) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$2,000,000 IN GENERAL FUNDS IN THE STATE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURPOSE OF AWARDING GRANTS TO EXPAND THE SCOPE OF DRUG COURT PROGRAMS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(2) THE STATE COURT ADMINISTRATOR SHALL DISBURSE THE GRANTS AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON THE POPULATION OF THE COUNTY, TO CIRCUIT COURTS, INCLUDING JUVENILE COURTS, AND THE DISTRICT COURT.~~

## Article – Education

7-411.

(a) The State Board shall develop and implement a program of drug ADDICTION AND PREVENTION education in the public schools.

(b) (1) [This] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, THIS program shall be started before the sixth grade in each public school by teachers who are trained in the field of drug education.

(2) The State Board shall establish standards for determining how a teacher is considered to be “trained in the field of drug ADDICTION AND PREVENTION education” for the purposes of this section.

(c) (1) THE PROGRAM SHALL INCLUDE INSTRUCTION RELATED TO HEROIN AND OPIOID ADDICTION AND PREVENTION, INCLUDING INFORMATION RELATING TO THE LETHAL EFFECT OF FENTANYL.

(2) THE INSTRUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DELIVERED IN GRADE BANDS AS FOLLOWS:

1. THIRD GRADE THROUGH FIFTH GRADE;
2. SIXTH GRADE THROUGH EIGHTH GRADE; AND
3. NINTH GRADE THROUGH TWELFTH GRADE; AND

(II) A STAND-ALONE UNIT IN THE PROGRAM.

1            [(c)] (D)        This program shall be coordinated with other State agencies that are  
2 responsible for drug abuse education and control.

3        **7-426.5.**

4            (A)        EACH COUNTY BOARD SHALL ESTABLISH A POLICY IN ACCORDANCE  
5 WITH SCHOOL HEALTH GUIDELINES AND STATE LAWS AND REGULATIONS FOR  
6 PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE,  
7 SCHOOL HEALTH SERVICES PERSONNEL, AND OTHER SCHOOL PERSONNEL TO  
8 ADMINISTER NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION TO A  
9 STUDENT OR OTHER PERSON LOCATED ON SCHOOL PROPERTY WHO IS DETERMINED  
10 REASONABLY BELIEVED TO BE SUFFERING FROM EXPERIENCING A NARCOTIC AN  
11 OPIOID OVERDOSE.

12            (B)        THE POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION  
13 SHALL INCLUDE:

14            ~~(1)        TRAINING FOR SCHOOL NURSES ON HOW TO RECOGNIZE THE~~  
15 ~~SYMPTOMS OF A NARCOTIC OVERDOSE;~~

16            ~~(2)        PROCEDURES FOR THE ADMINISTRATION OF NALOXONE OR~~  
17 ~~OTHER OVERDOSE-REVERSING MEDICATIONS;~~

18            ~~(3)        THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;~~

19            ~~(4)~~ (1)        A PROVISION REQUIRING ALL PUBLIC SCHOOLS TO OBTAIN  
20 AND STORE AT THE PUBLIC SCHOOL NALOXONE OR OTHER OVERDOSE-REVERSING  
21 MEDICATION TO BE USED IN AN EMERGENCY SITUATION; AND

22            ~~(5)~~ (2)        A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP  
23 AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF  
24 STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF  
25 EACH SCHOOL YEAR.

26            (C)        EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, ~~A SCHOOL~~  
27 ~~NURSE WHO HAS BEEN TRAINED UNDER SUBSECTION (B)(1) OF THIS SECTION AND~~  
28 ~~WHO RESPONDS~~ ANY OF THE FOLLOWING INDIVIDUALS WHO RESPOND IN GOOD  
29 FAITH TO THE OVERDOSE EMERGENCY OF A STUDENT IN ACCORDANCE WITH THIS  
30 SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE  
31 COURSE OF RESPONDING TO THE EMERGENCY:

32            (1)        A SCHOOL NURSE; OR

1           **(2) OTHER SCHOOL HEALTH SERVICES PERSONNEL WHO ARE**  
 2 **LICENSED OR CERTIFIED TO PRACTICE A HEALTH OCCUPATION UNDER THE HEALTH**  
 3 **OCCUPATIONS ARTICLE.**

4           **(D) (1) ~~(I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (H) OF~~**  
 5 **~~THIS PARAGRAPH, FOR EVERY 50,000 STUDENTS ENROLLED IN THE PUBLIC~~**  
 6 **~~SCHOOLS OF A COUNTY, THE~~ THE COUNTY BOARD, IN COOPERATION WITH THE**  
 7 **LOCAL HEALTH DEPARTMENT, SHALL ~~HIRE A:~~**

8                           **(I) HIRE A SUFFICIENT NUMBER OF EITHER COUNTY OR**  
 9 **REGIONAL COMMUNITY ACTION ~~OFFICIAL~~ OFFICIALS; OR**

10                           **(II) DEVELOP AND IMPLEMENT A PROGRAM THAT PROVIDES**  
 11 **THE COMMUNITY RELATIONS AND EDUCATION FUNCTIONS REQUIRED TO BE**  
 12 **CONDUCTED BY COMMUNITY ACTION OFFICIALS IN PARAGRAPH (2) OF THIS**  
 13 **SUBSECTION.**

14                           **~~(H) FOR A COUNTY THAT HAS FEWER THAN 50,000 STUDENTS~~**  
 15 **~~ENROLLED IN THE PUBLIC SCHOOLS OF THE COUNTY, THE COUNTY BOARD SHALL~~**  
 16 **~~COORDINATE WITH NEIGHBORING COUNTIES, IN COOPERATION WITH THE LOCAL~~**  
 17 **~~HEALTH DEPARTMENT IN EACH COUNTY, TO ESTABLISH REGIONAL COMMUNITY~~**  
 18 **~~ACTION OFFICIALS.~~**

19           **(2) A COUNTY OR REGIONAL COMMUNITY ACTION OFFICIAL SHALL:**

20                           **~~(I) BE ASSIGNED TO SPECIFIC MIDDLE AND HIGH SCHOOLS IN~~**  
 21 **~~THE COUNTY;~~**

22                           **~~(H) COORDINATE SCHOOL-BASED COMMUNITY FORUMS, IN~~**  
 23 **COOPERATION WITH LOCAL LAW ENFORCEMENT OFFICIALS; AND**

24                           **~~(H)~~ (II) CONDUCT PUBLIC RELATIONS EFFORTS THAT**  
 25 **INCLUDE THE FOLLOWING:**

- 26   1. PARENT CONTACT;
- 27   2. ELECTRONIC MEDIA; AND
- 28   3. PUBLIC SERVICE ANNOUNCEMENTS.

29           **(E) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE AN**  
 30 **APPROPRIATION OF AT LEAST \$3,000,000 IN GENERAL FUNDS IN THE STATE**  
 31 **BUDGET FOR THE DEPARTMENT FOR THE PURPOSE OF AWARDING GRANTS TO**

1 COUNTY BOARDS TO IMPLEMENT THE POLICY AND CONDUCT THE TRAINING  
2 REQUIRED UNDER THIS SECTION.

3 (2) THE DEPARTMENT SHALL DISBURSE THE GRANTS AUTHORIZED  
4 UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON THE ENROLLMENT COUNT  
5 OF STUDENTS IN PUBLIC SCHOOLS IN THE STATE FOR THE PRIOR FISCAL YEAR.

6 (F) (1) ~~EACH ON OR BEFORE OCTOBER 1 EACH YEAR, EACH PUBLIC~~  
7 SCHOOL SHALL SUBMIT, ON THE FORM THAT THE DEPARTMENT REQUIRES, A  
8 REPORT TO THE DEPARTMENT ON EACH INCIDENT AT THE SCHOOL ~~OR AT A~~  
9 ~~RELATED SCHOOL EVENT~~ THAT REQUIRED THE USE OF NALOXONE OR OTHER  
10 OVERDOSE-REVERSING MEDICATION.

11 (2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE A  
12 STANDARD FORM TO REPORT EACH INCIDENT REQUIRING THE USE OF NALOXONE  
13 OR OTHER OVERDOSE-REVERSING MEDICATION AT A PUBLIC SCHOOL.

14 (3) ON OR BEFORE DECEMBER 1, 2018, DECEMBER 1, 2019, AND  
15 DECEMBER 1, 2020, THE DEPARTMENT SHALL REPORT THE INFORMATION  
16 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GENERAL  
17 ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

18 SUBTITLE 12. HEROIN AND OPIOID ADDICTION AND PREVENTION.

19 11-1201.

20 THIS SUBTITLE APPLIES ONLY TO INSTITUTIONS OF HIGHER EDUCATION IN  
21 THE STATE THAT RECEIVE OPERATING OR CAPITAL FUNDING FROM THE STATE.

22 11-1202.

23 (A) EACH INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH A POLICY  
24 THAT ADDRESSES HEROIN AND OPIOID ADDICTION AND PREVENTION.

25 (B) THE POLICY ESTABLISHED UNDER THIS SUBTITLE SHALL REQUIRE:

26 (1) INCOMING FULL-TIME STUDENTS TO PARTICIPATE IN HEROIN  
27 AND OPIOID ADDICTION AND PREVENTION AWARENESS TRAINING; ~~AND~~

28 (2) EACH INSTITUTION TO PROVIDE INCOMING PART-TIME  
29 STUDENTS WITH RESOURCES THAT ALERT AND EDUCATE THE STUDENTS  
30 REGARDING HEROIN AND OPIOID ADDICTION AND PREVENTION; AND

1           ~~(2)~~ (3)       EACH INSTITUTION TO OBTAIN AND STORE AT THE  
2 INSTITUTION NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION TO BE  
3 USED IN AN EMERGENCY SITUATION.

4 11-1203.

5           (A)   THE POLICY ESTABLISHED UNDER THIS SUBTITLE SHALL INCLUDE:

6           (1)   TRAINING FOR CAMPUS POLICE ~~AND HEALTH PERSONNEL~~ ON  
7 HOW TO RECOGNIZE THE SYMPTOMS OF ~~A NARCOTIC~~ AN OPIOID OVERDOSE;

8           (2)   PROCEDURES FOR THE ADMINISTRATION OF NALOXONE OR  
9 OTHER OVERDOSE-REVERSING MEDICATIONS; AND

10          (3)   THE PROPER FOLLOW-UP EMERGENCY PROCEDURES; ~~AND~~

11          ~~(4)   A REQUIREMENT THAT EACH INSTITUTION DEVELOP AND  
12 IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS  
13 OF THE INSTITUTION'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH  
14 SCHOOL YEAR.~~

15          (B)   EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, HEALTH  
16 PERSONNEL OR CAMPUS POLICE ~~OR HEALTH PERSONNEL~~ WHO HAVE BEEN TRAINED  
17 UNDER SUBSECTION (A)(1) OF THIS SECTION AND WHO RESPOND IN GOOD FAITH TO  
18 THE OVERDOSE EMERGENCY OF A STUDENT IN ACCORDANCE WITH THIS SECTION  
19 MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE  
20 OF RESPONDING TO THE EMERGENCY.

21 11-1204.

22          (A)   ON OR BEFORE OCTOBER 1 EACH YEAR, EACH INSTITUTION OF HIGHER  
23 EDUCATION SHALL REPORT TO THE COMMISSION ON EACH INCIDENT AT THE  
24 INSTITUTION THAT REQUIRED THE USE OF NALOXONE OR OTHER  
25 OVERDOSE-REVERSING MEDICATION.

26          (B)   ON OR BEFORE DECEMBER 1, 2018, DECEMBER 1, 2019, AND  
27 DECEMBER 1, 2020, THE COMMISSION SHALL REPORT THE INFORMATION  
28 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION TO THE GENERAL ASSEMBLY  
29 IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

30 15-121.

31          (A)   THIS SECTION APPLIES ONLY TO AN INSTITUTION OF HIGHER  
32 EDUCATION THAT AWARDS A DEGREE THAT AN INDIVIDUAL MAY USE TO MEET THE



1 EDUCATIONAL REQUIREMENTS FOR LICENSURE UNDER THE HEALTH  
2 OCCUPATIONS ARTICLE AS A PHYSICIAN, REGISTERED NURSE, DENTIST, PHYSICIAN  
3 ASSISTANT, OR PODIATRIST.

4 (B) AN INSTITUTION OF HIGHER EDUCATION SUBJECT TO THIS SECTION  
5 SHALL OFFER INSTRUCTION IN SUBSTANCE USE DISORDERS, EFFECTIVE  
6 TREATMENT FOR SUBSTANCE USE DISORDERS, AND PAIN MANAGEMENT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of  
8 Education shall:

9 (1) convene a workgroup of local health officers, behavioral and substance  
10 abuse disorder counselors and therapists, representatives of the Maryland Association of  
11 Boards of Education, the Public School Superintendents Association of Maryland, the  
12 Maryland State Education Association, AFT–Maryland, and other interested stakeholders  
13 to:

14 (i) evaluate programs that provide behavioral and substance abuse  
15 disorder services in the public schools in the State; and

16 (ii) develop proposals to expand the programs evaluated under item  
17 (1) of this paragraph to other jurisdictions, if appropriate, including recovery schools; and

18 (2) on or before December 1, 2017, report its findings and recommendations  
19 determined under this section to the General Assembly in accordance with § 2–1246 of the  
20 State Government Article.

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.