

HOUSE BILL 1268

F1, F2

4lr3205
CF 4lr2970

By: **Delegates Vogel and Ivey**

Introduced and read first time: February 8, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Educational Institutions – Opioid Overdose–Reversing Medications – Policy**
3 **Requirements**

4 FOR the purpose of requiring the State Board of Education, county boards of education,
5 and institutions of higher education in the State to update certain drug addiction
6 and prevention education programs to include information on the mitigating effects
7 of naloxone or other opioid overdose–reversing medication, authorized possession by
8 certain individuals, and immunity from liability; providing that it is the intent of the
9 General Assembly that certain policies be funded from a certain source; and
10 generally relating to policies on naloxone and other opioid overdose–reversing
11 medication by educational institutions.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–411, 7–426.5, and 11–1202 through 11–1204
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 11–1201
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

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

24 **Article – Education**

25 7–411.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The State Board shall develop and implement a program of drug addiction and
2 prevention education in the public schools.

3 (b) (1) Except as provided in subsection (c)(2) of this section, this program shall
4 be started before the sixth grade in each public school by teachers who are trained in the
5 field of drug education.

6 (2) The State Board shall establish standards for determining how a
7 teacher is considered to be “trained in the field of drug addiction and prevention education”
8 for the purposes of this section.

9 (c) (1) The program shall include instruction related to heroin and opioid
10 addiction and prevention, including information relating to the lethal effect of fentanyl **AND**
11 **THE MITIGATING EFFECTS OF NALOXONE OR OTHER OPIOID OVERDOSE–REVERSING**
12 **MEDICATIONS.**

13 (2) The instruction required under paragraph (1) of this subsection shall
14 be:

15 (i) Delivered in grade bands as follows:

- 16 1. Third grade through fifth grade;
- 17 2. Sixth grade through eighth grade; and
- 18 3. Ninth grade through twelfth grade; and

19 (ii) A stand-alone unit in the program.

20 (d) This program shall be coordinated with other State agencies that are
21 responsible for drug abuse education and control.

22 7–426.5.

23 (a) Each county board shall establish a policy in accordance with school health
24 guidelines and State laws and regulations for public schools within its jurisdiction to
25 authorize [the school nurse, school health services personnel, and other school personnel]
26 **AN INDIVIDUAL ACTING IN GOOD FAITH** to administer naloxone or other **OPIOID**
27 overdose–reversing medication to a student or other person located on school property who
28 is reasonably believed to be experiencing an opioid overdose.

29 (b) The policy established under subsection (a) of this section shall include:

30 (1) A provision requiring all public schools to obtain and store at the public
31 school naloxone or other **OPIOID** overdose–reversing medication to be used in an emergency
32 situation; [and]

1 [(e) (1) For fiscal year 2019, the Governor shall include an appropriation of at
2 least \$3,000,000 in general funds in the State budget for the Department for the purpose
3 of awarding grants to county boards to implement the policy and conduct the training
4 required under this section.

5 (2) The Department shall disburse the grants authorized under paragraph
6 (1) of this subsection based on the enrollment count of students in public schools in the
7 State for the prior fiscal year.]

8 (f) (1) On or before October 1 each year, each public school shall submit, on
9 the form that the Department requires, a report to the Department on each incident at the
10 school that required the use of naloxone or other **OPIOID** overdose-reversing medication.

11 (2) The Department shall develop and disseminate a standard form to
12 report each incident requiring the use of naloxone or other **OPIOID** overdose-reversing
13 medication at a public school.

14 [(3) On or before December 1, 2018, December 1, 2019, and December 1,
15 2020, the Department shall report the information provided under paragraph (1) of this
16 subsection to the General Assembly in accordance with § 2-1257 of the State Government
17 Article.]

18 11-1201.

19 (a) Except as provided in subsection (b) of this section, this subtitle applies only
20 to institutions of higher education in the State that receive operating or capital funding
21 from the State.

22 (b) (1) Except as provided in paragraph (2) of this subsection, this subtitle does
23 not apply to:

24 (i) The University of Maryland Global Campus;

25 (ii) The University of Maryland Center for Environmental Science;

26 or

27 (iii) An off-campus nonresidential location of an institution of higher
28 education.

29 (2) Each institution described under paragraph (1) of this subsection shall
30 provide all students with resources that alert and educate the students regarding heroin
31 and opioid addiction and prevention.

32 11-1202.

1 (a) Each institution of higher education shall establish a policy that addresses
2 heroin and opioid addiction and prevention.

3 (b) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** policy
4 established under this subtitle shall require each institution to:

5 (1) Require incoming full-time students to participate in an in-person
6 heroin and opioid addiction and prevention awareness training, unless in-person training
7 is impracticable, then to participate in an electronic heroin and opioid addiction and
8 prevention awareness training;

9 (2) Provide incoming part-time students with resources that alert and
10 educate the students regarding heroin and opioid addiction and prevention; and

11 (3) Obtain and store at the institution naloxone or other
12 overdose-reversing medication to be used in an emergency situation.

13 **(C) ANY TRAINING PROVIDED UNDER THE POLICY ESTABLISHED UNDER**
14 **SUBSECTION (B) OF THIS SECTION SHALL INCLUDE INFORMATION ON THE**
15 **MITIGATING EFFECTS OF NALOXONE OR OTHER OPIOID OVERDOSE-REVERSING**
16 **MEDICATION.**

17 11-1203.

18 (a) The policy established under this subtitle shall include:

19 (1) Training for campus police or other designated personnel on how to
20 recognize the symptoms of an opioid overdose;

21 (2) Procedures for the administration of naloxone or other **OPIOID**
22 overdose-reversing medications; **[and]**

23 (3) The proper follow-up emergency procedures; **AND**

24 **(4) AUTHORIZATION FOR A STUDENT, A MEMBER OF THE**
25 **INSTITUTION'S STAFF, OR ANY LAWFULLY PRESENT INDIVIDUAL AT THE**
26 **INSTITUTION TO POSSESS NALOXONE OR OTHER OPIOID OVERDOSE-REVERSING**
27 **MEDICATION.**

28 (b) Except for any willful or grossly negligent act, **[campus police or other**
29 **designated personnel who have been trained under subsection (a)(1) of this section and who**
30 **respond] ANY INDIVIDUAL WHO RESPONDS** in good faith to the overdose emergency of a
31 student, **A STAFF MEMBER, OR ANY OTHER INDIVIDUAL LAWFULLY PRESENT** in
32 accordance with this section may not be held personally liable for any act or omission in the
33 course of responding to the emergency.

1 11–1204.

2 **[(a)]** On or before October 1 each year, each institution of higher education shall
3 report to the Commission on each incident at the institution that required the use of
4 naloxone or other **OPIOID** overdose–reversing medication.

5 **[(b)]** On or before December 1, 2018, December 1, 2019, and December 1, 2020, the
6 Commission shall report the information provided under subsection (a) of this section to
7 the General Assembly in accordance with § 2–1257 of the State Government Article.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2024.