

Chapter 573

(House Bill 1082)

AN ACT concerning

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

FOR the purpose of ~~requiring the State Court Administrator of the Administrative Office of the Courts to assess certain drug court programs to make certain determinations; requiring the Governor to appropriate certain funds to certain agencies in a certain fiscal year for certain purposes; requiring certain agencies to disburse certain grants based on certain factors; requiring a~~ a county board of education to consult with the county superintendent of schools to approve or disapprove before a certain change to a school health services program; altering the name of a certain program; requiring the State Board of Education to establish certain standards for an altered training requirement; requiring the drug addiction and prevention education program to include certain instruction related to heroin and opioid addiction and prevention; requiring the instruction to be delivered in certain grade bands and as a certain unit; requiring certain county boards of education and certain institutions of higher education to establish certain policies; requiring a certain policy to authorize certain school nurses, school health services personnel, and other school personnel to administer naloxone or certain other medications to a student who is ~~determined to be suffering from~~ reasonably believed to be experiencing a certain condition; requiring certain policies to include certain ~~training, procedures,~~ procedures and provisions; prohibiting certain nurses, school health services personnel, campus police, and ~~health personnel~~ other designated personnel from being held personally liable under certain circumstances; requiring certain county boards of education or local health departments, by local agreement to either hire certain officials or develop and implement a certain program; ~~requiring certain county boards to coordinate with certain counties to hire certain officials;~~ requiring certain 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; providing that certain institutions of higher education are not required to obtain and store naloxone or certain other medications at certain locations; 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; requiring a county board of education to use certain efforts to implement certain requirements of this Act before certain funding is disbursed to the county board; 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 7–401 and 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

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

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

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

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

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

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

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

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

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

~~Article — Courts and Judicial Proceedings~~

~~13-101.~~

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

~~13-101.1.~~

~~(A) THE STATE COURT ADMINISTRATOR SHALL ASSESS DRUG COURT PROGRAMS IN CIRCUIT COURTS, INCLUDING JUVENILE COURTS, AND THE DISTRICT COURT TO DETERMINE HOW TO INCREASE THESE PROGRAMS IN A MANNER 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

7-401.

(a) With the assistance of the county health department, each county board shall provide:

(1) Adequate school health services;

(2) Instruction in health education, including the importance of physical activity in maintaining good health; and

(3) A healthful school environment.

(b) The Department of Education and the Department of Health and Mental Hygiene jointly shall:

(1) Develop public standards and guidelines for school health programs;
and

(2) Offer assistance to the county boards and county health departments in their implementation.

(c) (1) (i) Each county board shall designate a school health services program coordinator.

(ii) A county board may authorize the county health department to designate the school health services program coordinator.

(2) The school health services program coordinator shall:

(i) Implement State and local health policies in the public schools;

(ii) Ensure that public schools adhere to local health services guidelines; and

(iii) Communicate State and local health policies to the parents and guardians of public school students.

(3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE county board shall grant the school health services program coordinator the authority to carry out the provisions of this subsection.

(II) ~~A~~ THE COUNTY BOARD SHALL CONSULT WITH A COUNTY SUPERINTENDENT SHALL APPROVE OR DISAPPROVE ANY PROPOSED BEFORE ANY CHANGE IN THE HIRING OR TERMINATION OF PERSONNEL IN CONNECTION WITH A SCHOOL HEALTH SERVICES PROGRAM.

(4) The Department of Education shall conduct at least two meetings annually with all school health services program coordinators in the State.

(d) On or before December 1, 2015, and every 5 years thereafter, the Department shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly a summary of the information reported to the State Superintendent during the COMAR certification process.

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.

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

7-426.5.

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

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

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

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

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

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

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

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

(1) A SCHOOL NURSE; OR

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

(3) OTHER SCHOOL PERSONNEL.

(D) (1) ~~(I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR EVERY 50,000 STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF A COUNTY, THE~~ THE COUNTY BOARD, IN COOPERATION WITH BOARD OR THE LOCAL HEALTH DEPARTMENT, SHALL BY LOCAL AGREEMENT ~~HIRE A:~~

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

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

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

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

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

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

~~(HH)~~ (II) CONDUCT PUBLIC RELATIONS EFFORTS THAT INCLUDE THE FOLLOWING:

1. PARENT CONTACT;
2. ELECTRONIC MEDIA; AND
3. PUBLIC SERVICE ANNOUNCEMENTS.

(E) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$3,000,000 IN GENERAL FUNDS IN THE STATE BUDGET FOR THE DEPARTMENT FOR THE PURPOSE OF AWARDING GRANTS TO COUNTY BOARDS TO IMPLEMENT THE POLICY AND CONDUCT THE TRAINING REQUIRED UNDER THIS SECTION.

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

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

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

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

SUBTITLE 12. HEROIN AND OPIOID ADDICTION AND PREVENTION.

11-1201.

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

11-1202.

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

(B) (1) THE POLICY ESTABLISHED UNDER THIS SUBTITLE SHALL REQUIRE:

~~(1) INCOMING EACH SENIOR HIGHER EDUCATION INSTITUTION TO REQUIRE INCOMING STUDENTS TO PARTICIPATE IN HEROIN AND OPIOID ADDICTION AND PREVENTION AWARENESS TRAINING; AND OR~~

~~(2) EACH COMMUNITY COLLEGE TO PROVIDE INCOMING STUDENTS WITH RESOURCES THAT ALERT AND EDUCATE THE STUDENTS REGARDING HEROIN AND OPIOID ADDICTION AND PREVENTION; AND~~

(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INCOMING FULL-TIME STUDENTS TO PARTICIPATE IN AN IN-PERSON HEROIN AND OPIOID ADDICTION AND PREVENTION AWARENESS TRAINING, UNLESS IN-PERSON TRAINING IS IMPRACTICABLE, THEN TO PARTICIPATE IN AN ELECTRONIC HEROIN AND OPIOID ADDICTION AND PREVENTION AWARENESS TRAINING;

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

~~(2) (c) (1) (III) EACH~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH INSTITUTION TO OBTAIN AND STORE AT THE INSTITUTION NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION TO BE USED IN AN EMERGENCY SITUATION.

~~(2) AN INSTITUTION IS NOT REQUIRED TO STORE AND OBTAIN NALOXONE OR OTHER OVERDOSE REVERSING MEDICATION AT OFF-SITE LOCATIONS.~~

(2) THE REQUIREMENTS OF PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION DO NOT APPLY TO:

(I) THE UNIVERSITY OF MARYLAND, UNIVERSITY COLLEGE;

(II) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE; OR

(III) AN OFF-CAMPUS LOCATION OF AN INSTITUTION OF HIGHER EDUCATION.

11-1203.

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

(1) TRAINING FOR CAMPUS POLICE AND HEALTH OR OTHER DESIGNATED PERSONNEL ON HOW TO RECOGNIZE THE SYMPTOMS OF A NARCOTIC AN OPIOID OVERDOSE;

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

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

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

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

11-1204.

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

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

15-121.

(A) THIS SECTION APPLIES ONLY TO AN INSTITUTION OF HIGHER EDUCATION THAT AWARDS A DEGREE THAT AN INDIVIDUAL MAY USE TO MEET THE EDUCATIONAL REQUIREMENTS FOR LICENSURE UNDER THE HEALTH OCCUPATIONS ARTICLE AS A PHYSICIAN, ADVANCED PRACTICE NURSE, DENTIST, PHYSICIAN ASSISTANT, OR PODIATRIST.

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That a county board of education shall use its best efforts to implement the requirements of Section 1 of this Act before the grant funding required in fiscal year 2019, in accordance with § 7–426.5(e) of the Education Article, as enacted by Section 1 of this Act, is disbursed to the county board of education.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.