

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1268  
Ways and Means

(Delegates Vogel and Ivey)

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Educational Institutions – Opioid Overdose–Reversing Medications – Policy  
Requirements

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This bill requires the State Board of Education to update its program of drug addiction and prevention education to include instruction related to the mitigating effects of naloxone or other opioid overdose-reversing medications. Similarly, certain institutions of higher education must expand heroin and opioid addiction trainings to include information related to the mitigating effects of naloxone or other opioid overdose-reversing medications. Each local board of education and certain institutions of higher education must also expand authorization to use naloxone or an opioid-overdose reversing medication and expand exemptions from liability for individuals who do so in good faith to include *any individual who responds to the overdose emergency of a student, staff member, or any other individual lawfully present*. Both local boards and institutions of higher education must update existing policies to authorize the possession of naloxone or other opioid overdose-reversing medications. **The bill takes effect July 1, 2024.**

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Fiscal Summary

**State Effect:** State institutions of higher education can update policies as specified with existing budgeted resources. The Maryland State Department of Education (MSDE) can update its program of drug addiction and prevention education in public schools as specified with existing budgeted resources. Revenues are not affected.

**Local Effect:** Local boards of education can likely update policies and curricula as specified with existing budgeted resources. Local revenues are not affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary/Current Law:** The bill makes technical clarifications to specify that policies and reports must relate to naloxone or other *opioid* overdose-reversing medications. The bill makes further technical changes to remove outdated language referring to previously appropriated funding and prior reports MSDE and the Maryland Higher Education Commission (MHEC) were required to make to the General Assembly.

### *Public Schools – Program of Drug Addiction Prevention and Education*

Chapters 573 and 574 of 2017, the Heroin and Opioid Education and Community Action Act (Start Talking Maryland Act) require the State Board of Education to implement a program of drug addiction and prevention education in schools that includes instruction related to heroin and opioid addiction and prevention, including information relating to the lethal effect of fentanyl. This instruction must be 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. The instruction must be delivered as a stand-alone unit in the program.

Under the bill, the program of drug addiction and prevention education in schools must include instruction related to the mitigating effects of naloxone or other opioid overdose-reversing medications.

### *Public Schools – Authority to Administer and Possess Overdose-reversing Medication*

Under Chapters 573 and 574, each local board of education, in accordance with school health guidelines and State laws and regulations, must authorize the school nurse, school health services personnel, and other school personnel to administer naloxone or another overdose-reversing medication to a student or other person on school property who is reasonably believed to be experiencing an opioid overdose. The policy must include (1) a provision requiring all public schools to obtain and store naloxone or another overdose-reversing medication and (2) a requirement that each public school develop and implement a method for notifying parents or guardians of the policy. Current law exempts a school nurse, other school health services personnel who are licensed or certified under the Health Occupations Article, and other school personnel who respond in good faith to an overdose emergency from personal liability for any act or omission in the course of responding to the emergency, except for willful or grossly negligent acts.

The bill expands authorization to administer naloxone or other *opioid* overdose-reversing medication to include *any individual acting in good faith* and exempts *any individual* who responds in good faith to the overdose emergency of *a student, school staff member, or any other individual lawfully present at a school* from liability. Additionally, the bill requires

each local board of education's policy to include authorization for a student, a member of the school's staff, or any lawfully present individual at the school or a school-sponsored event or activity to possess naloxone or other opioid overdose-reversing medication.

Current law requires that, by October 1 of each year, each public school must submit specified reports to MSDE on each incident at the school that required the use of naloxone or another overdose-reversing medication on a form developed and disseminated by MSDE.

The bill clarifies that the reports must include information on the use of naloxone or other *opioid* overdose-reversing medication.

*Institutions of Higher Education – Policy on Heroin and Opioid Addiction and Prevention and Possession of Naloxone or Other Opioid Overdose-reversing Medication*

Under Chapters 573 and 574, each institution of higher education that receives State funding must establish a policy on heroin and opioid addiction and prevention that requires (1) each institution to require incoming full-time students to participate in in-person awareness training, unless in-person training is impracticable, in which case such training must be conducted electronically; (2) each institution to provide incoming part-time students with educational resources on heroin and opioid addiction and prevention; (3) each institution to obtain and store naloxone or another overdose-reversing medication; and (4) training for campus police or other designated personnel on symptom recognition, medication administration procedures, and follow-up emergency procedures. Requirements relating to awareness training for incoming full-time students and obtaining and storing naloxone or another overdose-reversing medication do not apply to (1) the University of Maryland Global Campus; (2) the University of Maryland Center for Environmental Science; or (3) an off-campus location of an institution of higher education.

Under the bill, any awareness training must include information on the mitigating effects of naloxone or other opioid overdose-reversing medication. Further, any policies developed must also include authorization for a student, member of the institution's staff, or any lawfully present individual at the institution to possess naloxone or other opioid overdose-reversing medication.

Current law exempts campus police and other designated personnel who have been trained and who respond in good faith from personal liability for any act or omission in the course of responding to a student's overdose emergency, except for willful or grossly negligent acts.

Under the bill, *any individual* who responds in good faith to the overdose emergency of a student, *staff member, or any other individual lawfully present* are exempt from liability.

Current law requires each institution of higher education to submit a report by October 1 of each year on each incident that required the use of naloxone or another overdose-reversing medication to MHEC.

The bill clarifies that the reports must include information on the use of naloxone or other *opioid* overdose-reversing medication.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Maryland State Department of Education; Maryland School for the Deaf; Maryland Higher Education Commission; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Independent College and University Association; Maryland Department of Health; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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