

AMENDED IN SENATE APRIL 8, 2024

AMENDED IN SENATE MARCH 21, 2024

**SENATE BILL**

**No. 997**

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**Introduced by Senator Portantino**

**(Coauthors: Senators Ochoa Bogh, Rubio, and Wilk)**

(Coauthors: Assembly Members Alanis, Arambula, Davies, Dixon, Grayson, Hoover, Lackey, Low, Ortega, Pacheco, Joe Patterson, Blanca Rubio, Sanchez, Schiavo, and Weber)

January 31, 2024

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An act to add ~~Section~~ *Sections 49414.6 and 49414.9* to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 997, as amended, Portantino. Pupil health: opioid antagonists and fentanyl test strips.

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils. Existing law authorizes a school district, county office of education, and charter school to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or trained personnel who have volunteered, and authorizes school nurses or trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose, as provided.

This bill would authorize school districts, county offices of education, and charter schools to develop and adopt a policy that allows pupils in middle schools, junior high schools, high schools, and adult schools to carry a federally approved naloxone hydrochloride nasal-spray *product* or any other federally approved opioid antagonist, as provided, for the

emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose. The bill would, for those local educational agencies that choose to develop and adopt a policy, to include, at a minimum, a requirement that a pupil has received instruction in the administration of the federally approved naloxone hydrochloride nasal-spray *product* or other federally approved opioid antagonist. The bill would require public middle schools, junior high schools, high schools, and adult schools that are operated by a local educational agency to (1) stock and distribute fentanyl test strips, as provided, and to (2) notify pupils about the presence and location of fentanyl test strips, *strips, and (3) allow pupils to carry fentanyl test strips, as provided.* To the extent the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49414.6 is added to the Education Code,  
2 to read:  
3 49414.6. (a) ~~(1)~~—Local educational agencies may develop and  
4 adopt a policy that allows pupils in middle schools, junior high  
5 schools, high schools, and adult schools to carry a federally  
6 approved naloxone hydrochloride nasal-spray *product* or any other  
7 federally approved opioid antagonist for over-the-counter,  
8 nonprescription use for the emergency treatment of persons  
9 suffering, or reasonably believed to be suffering, from an opioid  
10 overdose.  
11 ~~(2)~~  
12 (b) Local educational agencies that develop and adopt a policy  
13 pursuant to subdivision (a) shall include, at a minimum, a  
14 requirement that a pupil has received instruction in the

1 administration of the federally approved naloxone hydrochloride  
2 nasal spray product or other federally approved opioid antagonist.

3 ~~(b) Middle schools, junior high schools, high schools, and adult  
4 schools operated by a local educational agency shall do both of  
5 the following:~~

6 ~~(1) Stock fentanyl test strips in a secured location and distribute  
7 the fentanyl test strips as needed. Written instructions on how to  
8 properly use the fentanyl test strips shall be distributed together  
9 with the fentanyl test strips.~~

10 ~~(2) Notify pupils of the presence and location of fentanyl test  
11 strips.~~

12 ~~(c) For purposes of this section, a “local educational agency”  
13 means a school district, county office of education, or charter  
14 schools. school.~~

15 *SEC. 2. Section 49414.9 is added to the Education Code, to  
16 read:*

17 *49414.9. (a) Middle schools, junior high schools, high schools,  
18 and adult schools operated by a local educational agency shall  
19 do all of the following:*

20 *(1) Stock fentanyl test strips in a secured location and distribute  
21 the fentanyl test strips as needed. Written instructions on how to  
22 properly use the fentanyl test strips shall be distributed together  
23 with the fentanyl test strips.*

24 *(2) Notify pupils of the presence and location of fentanyl test  
25 strips.*

26 *(3) Allow pupils to carry fentanyl test strips on the pupil’s  
27 person or in the pupil’s personal property.*

28 *(b) For purposes of this section, “local educational agency”  
29 means a school district, county office of education, or charter  
30 school.*

31 ~~SEC. 2.~~

32 *SEC. 3. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.*