File No. 240446 **Committee Item No.** _____
Board Item No. 39

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date:** May 7, 2024

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Prepared by: Jocelyn Wong **Date:** May 3, 2024
Prepared by: _____ **Date:** _____

[Supporting California State Senate Bill No. 997 (Portantino) - Drug Test Strips and Naloxone Access in Schools]

Resolution supporting California State Senate Bill No. 997 (SB 997), introduced by Senate Member Anthony Portantino (SD-25), on January 31, 2024, that would allow students to carry federally approved naloxone hydro-chloride nasal spray (Narcan) and for schools to provide fentanyl test strips to students.

WHEREAS, Overdoses from substance use is a national public health crisis, with overdose deaths escalating in San Francisco over the past years; and

WHEREAS, Last year alone, San Francisco lost more than 800 lives to accidental overdose; and

WHEREAS, Young people, including students in middle and high school, are not immune to the dangers and impacts of substance use disorder; and

WHEREAS, The increased presence and availability of opioids, including fentanyl, has put young people are at higher risk of accidental overdose than before; and

WHEREAS, According to a Centers for Disease Control and Prevention (CDC) report from 2022, approximately 90% of drug overdose deaths among U.S. adolescents between the ages of 10 to 19 involved opioids and approximately 84% involved fentanyl; and

WHEREAS, This report identified the expansion of naloxone training and access among the key recommendations to prevent overdose deaths among young people; and

WHEREAS, The CDC also reported in 2022 that among young people, fentanyl poisoning accounted for 640 out of 807 deaths by opioid overdose, approximately 79%; and

WHEREAS, UCLA Health recently that although despite illicit drug use amongst U.S. adolescents between ages 14 to 18 has decreased over past years, the increase in overdose

deaths is linked to fentanyl in counterfeit pills including oxycodone, benzodiazepine, and other similar prescription drugs; and

WHEREAS, The Federal Drug Administration (FDA) has approved Naloxone Hydrochloride Nasal Spray as a safe and effective medication for the reversal of opioid overdose; and

WHEREAS, Fentanyl Test Strips (FTS) are inexpensive, reliable, and effective technology that detect the presence of fentanyl in drug samples prior to use; and

WHEREAS, A North Carolina-based study involving a community FTS distribution program found that 81% of participants who had access to FTS not only routinely utilized them prior to substance use, but were five times more likely to change their drug use behavior to reduce risk of overdose; and

WHEREAS, California State Senate Bill No. 997 (SB 997) would permit students in middle and high school to carry federally approved Naloxone Hydrochloride Nasal Spray and would allow schools to stock and distribute fentanyl test strips; and

WHEREAS, The passage of this bill will align state law with what many public health and medical professionals have recommended for years as a best practice and effective preventative intervention to drug overdose; now, therefore be it

RESOLVED, That the San Francisco Board of Supervisors supports SB 997, which will help tackle drug related overdoses among young people; and be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to send a copy of this Resolution upon final passage to Senator Portantino's office, the offices of San Francisco's State Legislative Delegation, and the Governor's Office.

AMENDED IN SENATE APRIL 8, 2024

AMENDED IN SENATE MARCH 21, 2024

SENATE BILL No. 997

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

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:

SECTION 1. Section 49414.6 is added to the Education Code, to read:

49414.6. (a) ~~(1)~~ Local educational agencies may 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 for over-the-counter, nonprescription use for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

~~(2)~~

(b) Local educational agencies that develop and adopt a policy pursuant to subdivision (a) shall 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.

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

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

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

(c) For purposes of this section, ~~a~~ "local educational agency" means a school district, county office of education, or charter ~~schools.~~ *school.*

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

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

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

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

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

(b) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

~~SEC. 2.~~

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

O

From:	Prager, Jackie (BOS)
To:	BOS Legislation, (BOS)
Subject:	Re: Introduction - Ronen - 4/30
Date:	Wednesday, May 1, 2024 9:33:27 AM
Attachments:	20230SB997_97.pdf

Hi Arthur,

Apologies. I've attached the legislation here. CSAC and LCC haven't taken positions.

Best,
Jackie

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, April 30, 2024 4:14 PM
To: Prager, Jackie (BOS) <jackie.prager@sfgov.org>
Cc: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: RE: Introduction - Ronen - 4/30

Hi Jackie,

We are missing the following documents to complete your office's submission:

- Copy of SB 997
- CSAC/LCC Position

Since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, please confirm that these matters are routine, not contentious in nature, and of no special interest.

Regards,

Arthur Khoo
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-4447 | (415) 554-5163
arthur.khoo@sfgov.org | [www.sfbos.org]www.sfbos.org

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provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Prager, Jackie (BOS) <jackie.prager@sfgov.org>
Sent: Tuesday, April 30, 2024 3:41 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Introduction - Ronen - 4/30

Hi all,

Please see attached our introduction form and the resolution that Supervisor Ronen is introducing at today's board meeting.

Please let me know if you have any questions.

Best,

Jackie Prager
Legislative Aide
Office of Supervisor Hillary Ronen, District 9
jackie.prager@sfgov.org | 415-554-7743
Pronouns: she/her/hers

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ■ 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquires…"
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Ronen

Subject:

Supporting California State Senate Bill No. 997 (Portantino) – Drug Test Strips and Naloxone Access in Schools

Long Title or text listed:

Resolution supporting California State Senate Bill No. 997 (SB 997) introduced by Senate Member Anthony Portantino (SD-25) on January 31, 2024; SB 997 would allow students to carry federally approved naloxone hydro-chloride nasal spray (Narcan) and schools to provide fentanyl test strips to students.

Signature of Sponsoring Supervisor: /s/ Hillary Ronen