

2019 -- S 0409 SUBSTITUTE A

LC001399/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Lawson, Valverde, Murray, Euer, and Nesselbush

Date Introduced: February 27, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-21-35 of the General Laws in Chapter 16-21 entitled "Health
2 and Safety of Pupils" is hereby amended to read as follows:

3 **16-21-35. Opioid-related drug overdose -- Use of opioid antagonists -- Immunity for**
4 **those administering.**

5 (a) For the purposes of this section, the following terms shall have the following
6 meanings:

7 (1) "Opioid antagonist" means any drug that binds to opioid receptors and blocks or
8 disinhibits the effects of opioids acting on those receptors, including naloxone hydrochloride, also
9 known as Narcan or naloxone.

10 (2) "Opioid-related drug overdose" means a condition including, but not limited to,
11 extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death
12 resulting from the consumption or use of an opioid or another substance with which an opioid
13 was combined, or that a layperson would reasonably believe to be an opioid-related drug
14 overdose that requires medical assistance.

15 (3) "School setting" means circumstances occurring while at school or at school-
16 sponsored events or activities.

17 (b) All public and private elementary, middle schools, junior high schools, and high
18 schools, shall provide and maintain on-site in each school facility opioid antagonists, as defined
19 herein.

1 (c) To treat a case of suspected opioid overdose in a school setting, any trained nurse-
2 teacher may administer an opioid antagonist, during an emergency, to any student or staff
3 suspected of having an opioid-related drug overdose whether or not there is a previous history of
4 opioid abuse. ~~School nurse teachers may receive training in the administration of opioid~~
5 ~~antagonists provided by the department of health. Provided, school~~ School physicians shall
6 prepare standing orders for the procedures to be followed in dealing with a suspected opioid
7 overdose in a school setting. Such standing orders shall not require any school nurse-teacher to
8 administer an opioid antagonist.

9 (d) Opioid antagonists shall be maintained in quantities and types deemed adequate by
10 the department of elementary and secondary education and the department of health, which shall
11 incorporate into their policies, rules, and regulations a procedure for addressing incidents of
12 opioid-related drug overdose in order to provide for the health and safety of children. Any policy,
13 rule, or regulation shall ensure that the opioid antagonist is kept in a conspicuous place, readily
14 available, but with provisions made for the safekeeping and security of the opioid antagonist so
15 that the security of the medication will not be compromised.

16 (e) ~~No school nurse teacher shall be liable for civil damages that may result from acts or~~
17 ~~omissions relating to the use of the opioid antagonist that may constitute ordinary negligence; nor~~
18 ~~shall the school personnel mentioned in this subsection be subject to criminal prosecution that~~
19 ~~may result from acts or omissions in the good faith administration of an opioid antagonist. This~~
20 ~~immunity does not apply to acts or omissions constituting gross negligence or willful or wanton~~
21 ~~conduct.~~ Any school nurse-teacher or other school personnel using an opioid antagonist shall be
22 protected from both civil and criminal liability pursuant to the provisions of chapter 28.9 of title
23 21 (the good samaritan overdose prevention act of 2016).

24 (f) No school nurse-teacher shall be subject to penalty or disciplinary action for refusing
25 to be trained in the administration of an opioid antagonist.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require private schools in addition to public schools to provide and
- 2 maintain on-site in each school facility opioid antagonists (e.g. Narcan) and would also provide
- 3 that the law would apply to elementary schools as well as middle and upper schools.
- 4 This act would take effect upon passage.

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