

Senate Bill 665

Sponsored by Senator JOHNSON (at the request of Oregon School Boards Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Board of Education to adopt rules for administration of naloxone or any similar medication designed to rapidly reverse overdose of opioid drug. Provides immunity from criminal action or for civil damages related to administration of naloxone or similar medication by trained school personnel.

A BILL FOR AN ACT

1
2 Relating to responses to opioid overdoses in schools; amending ORS 339.867, 339.869, 339.871 and
3 689.684.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 339.867 is amended to read:

6 339.867. As used in ORS 339.869 and 339.870:

7 (1) "Medication" means:

8 (a) Medication that is not injected;

9 (b) Premeasured doses of epinephrine that are injected; *[and]*

10 (c) Medication that is available for treating adrenal insufficiency[.]; **and**

11 **(d) Naloxone or any similar medication that is in any form available for safe adminis-**
12 **tration and that is designed to rapidly reverse an overdose of an opioid drug.**

13 (2) "Medication" does not include nonprescription sunscreen.

14 **SECTION 2.** ORS 339.869 is amended to read:

15 339.869. (1) The State Board of Education, in consultation with the Oregon Health Authority, the
16 Oregon State Board of Nursing and the State Board of Pharmacy, shall adopt:

17 (a) Rules for the administration of prescription and nonprescription medication to students by
18 trained school personnel and for student self-medication. The rules shall include age appropriate
19 guidelines and training requirements for school personnel.

20 (b) Rules for the administration of premeasured doses of epinephrine by school personnel trained
21 as provided by ORS 433.815 to any student or other individual on school premises who the personnel
22 believe in good faith is experiencing a severe allergic reaction, regardless of whether the student
23 or individual has a prescription for epinephrine.

24 (c)(A) Rules for the administration of medication that treats adrenal insufficiency by school
25 personnel trained as provided by ORS 433.815 to any student on school premises whose parent or
26 guardian has provided for the personnel the medication as described in ORS 433.825 (3) and who the
27 personnel believe in good faith is experiencing an adrenal crisis, as defined in ORS 433.800.

28 (B) Rules adopted under this paragraph must:

29 (i) Include guidelines on the designation and training of school personnel who will be responsible
30 for administering medication; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (ii) Specify that a school district is only required to train school personnel when the school
 2 district has been notified by a parent or guardian that a student enrolled in a school of the school
 3 district has been diagnosed with adrenal insufficiency.

4 (d) Guidelines for the management of students with life-threatening food allergies and adrenal
 5 insufficiency, which must include:

6 (A) Standards for the education and training of school personnel to manage students with life-
 7 threatening allergies or adrenal insufficiency.

8 (B) Procedures for responding to life-threatening allergic reactions or an adrenal crisis, as de-
 9 fined in ORS 433.800.

10 (C) A process for the development of individualized health care and allergy or adrenal insuffi-
 11 ciency plans for every student with a known life-threatening allergy or adrenal insufficiency.

12 (D) Protocols for preventing exposures to allergens.

13 **(e) Rules for the administration of naloxone or any similar medication that is in any form**
 14 **available for safe administration and that is designed to rapidly reverse an overdose of an**
 15 **opioid drug by trained school personnel to any student or other individual on school premises**
 16 **who the personnel believe in good faith is experiencing an overdose of an opioid drug.**

17 (2)(a) School district boards shall adopt policies and procedures that provide for:

18 (A) The administration of prescription and nonprescription medication to students by trained
 19 school personnel, including the administration of medications that treat adrenal insufficiency;

20 (B) Student self-medication; *[and]*

21 (C) The administration of premeasured doses of epinephrine to students and other
 22 individuals[.]; **and**

23 **(D) The administration of naloxone or any similar medication that is in any form avail-**
 24 **able for safe administration and that is designed to rapidly reverse an overdose of an opioid**
 25 **drug.**

26 (b) Policies and procedures adopted under paragraph (a) of this subsection shall be consistent
 27 with the rules adopted by the State Board of Education under subsection (1) of this section. A school
 28 district board shall not require school personnel who have not received appropriate training to ad-
 29 minister medication.

30 **SECTION 3.** ORS 339.871 is amended to read:

31 339.871. (1) A school administrator, school nurse, teacher or other school employee designated
 32 by the school administrator is not liable in a criminal action or for civil damages as a result of a
 33 student's self-administration of medication, as described in ORS 339.866, if the school administrator,
 34 school nurse, teacher or other school employee, in compliance with the instructions of the student's
 35 Oregon licensed health care professional, in good faith assists the student's self-administration of the
 36 medication, if the medication is available to the student pursuant to written permission and in-
 37 structions of the student's parent, guardian or Oregon licensed health care professional.

38 (2) A school administrator, school nurse, teacher or other school employee designated by the
 39 school administrator is not liable in a criminal action or for civil damages as a result of the use of
 40 medication if the school administrator, school nurse, teacher or other school employee in good faith
 41 administers:

42 (a) Autoinjectable epinephrine to a student or other individual with a severe allergy who is
 43 unable to self-administer the medication, regardless of whether the student or individual has a pre-
 44 scription for epinephrine[.]; **or**

45 **(b) Naloxone or any similar medication that is in any form available for safe adminis-**

1 **tration and that is designed to rapidly reverse an overdose of an opioid drug to a student or**
 2 **other individual who the school administrator, school nurse, teacher or other school em-**
 3 **ployee believes in good faith is experiencing an overdose of an opioid drug.**

4 (3) A school district and the members of a school district board are not liable in a criminal
 5 action or for civil damages as a result of the use of medication if:

6 (a) Any person in good faith administers autoinjectable epinephrine to a student or other indi-
 7 vidual with a severe allergy who is unable to self-administer the medication, regardless of whether
 8 the student or individual has a prescription for epinephrine; and

9 (b) The person administered the autoinjectable epinephrine on school premises, including at a
 10 school, on school property under the jurisdiction of the district or at an activity under the juris-
 11 diction of the school district.

12 **(4) A school district and the members of a school district board are not liable in a crim-**
 13 **inal action or for civil damages as a result of the use of medication if:**

14 (a) **Any person in good faith administers naloxone or any similar medication that is in**
 15 **any form available for safe administration and that is designed to rapidly reverse an overdose**
 16 **of an opioid drug to a student or other individual who the person believes in good faith is**
 17 **experiencing an overdose of an opioid drug; and**

18 (b) **The person administered the naloxone or similar medication on school premises, in-**
 19 **cluding at a school, on school property under the jurisdiction of the district or at an activity**
 20 **under the jurisdiction of the school district.**

21 [(4)] (5) The civil and criminal immunities imposed by this section do not apply to an act or
 22 omission amounting to gross negligence or willful and wanton misconduct.

23 **SECTION 4.** ORS 689.684 is amended to read:

24 689.684. (1) For purposes of this section, “social services agency” includes, but is not limited to,
 25 homeless shelters and crisis centers.

26 (2) [An employee of a social services agency] **A person** may administer to an individual naloxone
 27 that was not distributed to the [employee] **person** if:

28 (a) The individual **to whom the naloxone is being administered** appears to be experiencing
 29 an opiate overdose as defined in ORS 689.681[.]; **and**

30 (b) **The person who administers the naloxone is an employee of a social services agency**
 31 **or is trained under rules adopted by the State Board of Education pursuant to ORS 339.869.**

32 (3) For the purposes of protecting public health and safety, the Oregon Health Authority may
 33 adopt rules for the administration of naloxone **by employees of a social services agency** under this
 34 section.