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**H. 3990**

**STATUS INFORMATION**

General Bill

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Summary: Opioid Antidotes, Schools

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/16/2023 House Introduced and read first time (House Journal‑page 17)

 2/16/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 17)

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**VERSIONS OF THIS BILL**

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3990_20230216.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑97 SO AS TO REQUIRE GOVERNING AUTHORITIES OF CERTAIN SCHOOLS TO DEVELOP A POLICY THAT MANDATES SCHOOLS TO MAINTAIN A SUPPLY OF OPIOID ANTIDOTES TO BE ADMINISTERED BY TRAINED EMPLOYEES IN AN EMERGENCY, TO REQUIRE CERTAIN STATE AGENCIES TO DEVELOP GUIDELINES FOR DEVELOPMENT OF THE POLICY, AND FOR OTHER PURPOSES; AND BY ADDING SECTION 44‑130‑65 SO AS TO AUTHORIZE THE PRESCRIPTION AND DISPENSING OF OPIOID ANTIDOTES TO SCHOOLS AND TO AUTHORIZE GOVERNING AUTHORITIES OF SCHOOLS TO PURCHASE AND STORE, AND TRAINED EMPLOYEES TO ADMINISTER, OPIOID ANTIDOTES IN AN EMERGENCY, TO REQUIRE THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO DEVELOP AN APPLICABLE JOINT PROTOCOL; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 59 of the S.C. Code is amended by adding:

 Section 59‑63‑97. (A)(1) Each governing authority of a school shall develop a policy, in accordance with guidelines established by the Department of Education, pursuant to subsection (B), for the emergency administration of an opioid antidote to a student, staff member, or other person who is reasonably believed to be experiencing an opioid overdose. The policy must:

 (a) require each school that includes any of the grades nine through twelve, and permit any other school, to obtain a standing order for opioid antidotes pursuant to Section 44‑130‑65 and to maintain a supply of opioid antidotes under the standing order in a secure but unlocked and easily accessible location; and

 (b) direct the school nurse, or a trained employee designated pursuant to item (3) to administer an opioid antidote to any person whom the nurse or trained employee in good faith reasonably believes is experiencing an opioid overdose.

 (2)(a) Opioid antidotes must be maintained by a school pursuant to item (1)(a) in quantities and types deemed adequate by the governing authority of a school, in consultation with the Department of Education, Department of Health and Environmental Control, and the Department of Alcohol and Other Drug Abuse Services.

 (b) The opioid antidotes must be accessible in the school during regular school hours and during school‑sponsored functions that take place in the school or on school grounds adjacent to the school building. A governing authority of a school may, in its discretion, make opioid antidotes accessible during school‑sponsored functions that take place off school grounds.

 (3)(a) The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote in accordance with a policy developed under this section. The governing authority of a school shall designate additional employees of the school who volunteer to administer an opioid antidote in the event that a person is reasonably believed to be experiencing an opioid overdose when the nurse is not physically present at the scene. Nothing in this section shall be construed to prohibit any other person from administering an opioid antidote to a person who is reasonably believed to be experiencing an opioid overdose, if the administration is consistent with the requirements of Chapter 130, Title 44.

 (b) In the event that a licensed athletic trainer volunteers to administer an opioid antidote pursuant to this section, it shall not constitute a violation of Chapter 75, Title 44.

 (4) A policy developed pursuant to this subsection must require the transportation of a person reasonably believed to have experienced an overdose to a hospital emergency room by emergency services personnel after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.

 (B)(1) The Department of Education, in consultation with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and appropriate medical experts, shall establish guidelines for the development of a policy by a governing authority of a school for the emergency administration of opioid antidotes. Each governing authority of a school shall implement the guidelines in developing a policy pursuant to subsection (A).

 (2) The guidelines must include a requirement that each school nurse, and each employee designated pursuant to subsection (A)(3), receive training on standardized protocols for the administration of an opioid antidote to a person who is reasonably believed to be experiencing an opioid overdose. The training must include the overdose prevention information described in Section 44‑130‑65. The guidelines must specify an appropriate entity or entities to provide the training, and a school nurse shall not be solely responsible to train the employees designated pursuant to subsection (A)(3).

 (C) No school employee, including a school nurse or other designated employee, or any other officer or agent of a governing authority of a school, or a prescriber or dispenser of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of this section. Good faith does not include wilful misconduct, gross negligence, or recklessness.

 (D) A governing authority of a school may enter into a shared services arrangement with another governing authority for a school for the provision of opioid antidotes pursuant to subsection (A) if the arrangement will result in cost savings for the governing authorities and schools.

 (E) For purposes of this section:

 (1) “Administer” means the direct application of an opioid antidote into the body of a person.

 (2) “Governing authority of a school" means the board of trustees of a school district or the board of trustees of a private school.

 (3) “Opioid antidote” means naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

 (4) “Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

 (5) “School” means a public or private school.

 (6) “School‑sponsored function” means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

SECTION 2. Chapter 130, Title 44 of the S.C. Code is amended by adding:

 Section 44‑130‑65. (A) A prescriber acting in good faith and exercising reasonable care may directly or by standing order prescribe an opioid antidote to a school for the purpose of administering an opioid antidote in an emergency to a person who appears to be experiencing an opioid‑related overdose.

 (B) A pharmacist may dispense an opioid antidote to a school pursuant to a prescription or standing order issued in accordance with this section.

 (C)(1) A school through its governing authority may purchase and store a supply of opioid antidotes to be administered in an emergency in accordance with the provisions of Section 59‑63‑97:

 (a) obtained pursuant to a written prescription or standing order issued in accordance with this section; and

 (b) pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.

 (2) A school nurse or other designated school personnel may administer an opioid antidote in an emergency in accordance with the provisions of Section 59‑63‑97 and this section if the school nurse or other designated school personnel believes in good faith that the student, staff member, or other person is experiencing an opioid‑related overdose.

 (D)(1) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a school to administer an opioid antidote to a student, staff member, or other person who appears to be experiencing an opioid‑related overdose.

 (2) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of Health and Environmental Control, a representative of the Department of Alcohol and Other Drug Abuse Services, a representative of the Department of Education, and health care professionals licensed in the State.

 (3) For purposes of this section, “school” has the same meaning as defined in Section 59‑63‑97.

 (E)(1) A school that purchases and stores a supply of opioid antidotes in accordance with the provisions of Section 59‑63‑97 and this section is not as a result of an act or omission subject to civil or criminal liability.

 (2) A school nurse or other designated school employee that administers an opioid antidote in accordance with the provisions of Section 59‑63‑97 and this section is not, as a result of an act or omission, subject to civil or criminal liability or subject to professional discipline.

SECTION 3. This act takes effect upon approval by the Governor.

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