

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 36

BY SENATORS STOLLINGS, GAUNCH, OJEDA, FACEMIRE,

JEFFRIES AND BEACH

[Originating in the Committee on Health and Human

Resources; reported on March 17, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated ~~§18-5-22d~~, relating to opioid antagonists; allowing schools to voluntarily
3 maintain and use opioid antagonist; providing for the administration of an antagonist by a
4 school nurse or other trained and authorized nonmedical school personnel for emergency
5 care or treatment of an adverse opioid event; setting forth notice requirements; setting
6 forth immunity from liability for schools, school nurses and trained and authorized
7 nonmedical school personnel; providing for data collection and reporting requirements;
8 and setting forth rule-making authority to effectuate the provisions of the section.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-5-22d, to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

**§18-5-22d. Providing for the maintenance and use of opioid antagonist; administration;
notice; indemnity from liability; rules.**

1 (a) A public, private, parochial or denominational school located within this state may
2 possess and maintain at the school a supply of an opioid antagonist for use in emergency medical
3 care or treatment for an adverse opioid event. Opioid antagonists shall be maintained by the
4 school in a secure location which is only accessible by medical personnel and authorized
5 nonmedical personnel and not by students.

6 (b) A school nurse, as set forth in section twenty-two of this article, is authorized to
7 administer an opioid antagonist to a student or school personnel during regular school hours or
8 at a school function when the school nurse medically believes the individual is experiencing an
9 adverse opioid event. A school nurse may use the school supply of opioid antagonist for a student
10 or school personnel suffering from an adverse opioid event.

11 (c) Nonmedical school personnel who have been trained in the administration of an opioid
12 antagonist and who have been designated and authorized by the school to administer the opioid
13 antagonist are authorized to administer an opioid antagonist to a student or school personnel
14 during regular school hours or at a school function when the authorized and designated
15 nonmedical school personnel reasonably believes, based upon their training, that the individual
16 is experiencing an adverse opioid event. Nonmedical school personnel may use the school
17 supply of opioid antagonist for a student or school personnel.

18 (d) Prior notice to the parents of a student of the administration of the opioid antagonist is
19 not required. Immediately following the administration of the opioid antagonist, the school shall
20 provide notice to the parent of a student who received the opioid antagonist.

21 (e) A school nurse or trained and authorized nonmedical school personnel who administer
22 an opioid antagonist to a student or to school personnel as provided in this section is immune
23 from liability for any civil action arising out of an act or omission resulting from the administration
24 of the opioid antagonist unless the act or omission was the result of the school nurse or trained
25 and authorized nonmedical school personnel's gross negligence or willful misconduct.

26 (f) All county boards of education are required to collect and compile aggregate data on
27 adverse opioid events resulting in the administration of school maintained opioid antagonist in
28 their county during a school year and forward the data to State Superintendent of Schools. The
29 State Superintendent of Schools shall prepare an annual report to be presented to the Joint
30 Committee on Government and Finance as set forth in article three, chapter four of this code, by
31 December 31 of each year.

32 (g) Nothing in this section requires a public, private, parochial or denominational school
33 located within this state to possess an opioid antagonist. A public, private, parochial or
34 denominational school located within this state or a county board of education is immune from
35 liability from any civil action arising from the public, private, parochial or denominational school
36 located within this state not possessing an opioid antagonist in the school.

37 (h) The State Board of Education, as defined in article two of this chapter, shall consult
38 with the State Health Officer, as defined in section four, article three, chapter thirty of this code,
39 and promulgate rules necessary to effectuate the provisions of this section in accordance with the
40 provisions of article three-b, chapter twenty-nine-a of this code. The rules shall provide, at a
41 minimum, for:

42 (1) The criteria for selection and minimum requirements of nonmedical school personnel
43 who may administer opioid antagonist following the necessary training;

44 (2) The training requirements necessary for nonmedical school personnel to be authorized
45 to administer an opioid antagonist;

46 (3) Training on what constitutes an adverse opioid event;

47 (4) Storage requirements for maintaining the opioid antagonist within the schools;

48 (5) Comprehensive notice requirements to the parents of a student who was administered
49 a school maintained opioid antagonist including who administered the antagonist, the rational for
50 administering the antagonist, the approximate time of the administration of the opioid antagonist
51 and any other necessary elements to make the student's parents fully aware of the circumstances
52 surrounding the administration of the antagonist;

53 (6) Any and all necessary documentation to be kept and maintained regarding receipt,
54 inventory, storage and usage of all opioid antagonist;

55 (7) Detailed reporting requirements for county boards of education on incidents of use of
56 school maintained opioid antagonist during a school year; and

57 (8) Any other requirements necessary to fully implement this section.