

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 36**

SENATORS STOLLINGS, GAUNCH, OJEDA, FACEMIRE,

JEFFRIES AND BEACH , *original sponsors*

[Passed April 1, 2017; in effect 90 days from passage]



1 AN ACT 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, school personnel or a person during regular school  
8 hours, at a school function, or at an event on school property when the school nurse medically  
9 believes the individual is experiencing an adverse opioid event.

10 (c) Nonmedical school personnel who have been trained in the administration of an opioid  
11 antagonist and who have been designated and authorized by the school to administer the opioid

12 antagonist are authorized to administer an opioid antagonist to a student, school personnel or a  
13 person during regular school hours, at a school function, at an event on school property when the  
14 authorized and designated nonmedical school personnel reasonably believes, based upon their  
15 training, that the individual is experiencing an adverse opioid event.

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

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

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

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

35 (h) The State Board of Education, as defined in article two of this chapter, shall consult  
36 with the State Health Officer, as defined in section four, article three, chapter thirty of this code,  
37 and promulgate rules necessary to effectuate the provisions of this section in accordance with the

38 provisions of article three-b, chapter twenty-nine-a of this code. The rules shall provide, at a  
39 minimum, for:

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

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

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

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

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

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

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

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



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2017.

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*Governor*