

HOUSE BILL 1082

F1, F2, D1

7lr3367
CF 7lr1933

By: **Delegate Bromwell**

Introduced and read first time: February 9, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Heroin and Opioid Education and Community Action Act of 2017**
3 **(Start Talking Maryland Act)**

4 FOR the purpose of requiring the State Court Administrator of the Administrative Office
5 of the Courts to assess certain drug court programs to make certain determinations;
6 requiring the Governor to appropriate certain funds to certain agencies in a certain
7 fiscal year for certain purposes; requiring certain agencies to disburse certain grants
8 based on certain factors; altering the name of a certain program; requiring the State
9 Board of Education to establish certain standards for an altered training
10 requirement; requiring the drug addiction and prevention education program to
11 include certain instruction related to heroin and opioid addiction and prevention;
12 requiring the instruction to be delivered in certain grade bands and as a certain unit;
13 requiring certain county boards of education and certain institutions of higher
14 education to establish certain policies; requiring a certain policy to authorize certain
15 school nurses to administer naloxone or certain other medications to a student who
16 is determined to be suffering from a certain condition; requiring certain policies to
17 include certain training, procedures, and provisions; prohibiting certain nurses,
18 campus police, and health personnel from being held personally liable under certain
19 circumstances; requiring certain county boards of education to hire certain officials;
20 requiring certain county boards to coordinate with certain counties to hire certain
21 officials; requiring certain officials to perform certain duties; requiring certain public
22 schools to submit certain reports to the State Department of Education under certain
23 circumstances; requiring the Department to develop and disseminate a certain form;
24 requiring certain policies to require certain students to participate in certain
25 training and to require certain institutions to obtain and store naloxone or certain
26 other medications to be used under certain circumstances; providing for the
27 application of certain provisions of this Act; and generally relating to policies that
28 address heroin and opioid addiction and prevention.

29 BY repealing and reenacting, without amendments,
30 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 13–101(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 13–101.1
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–411
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to
Article – Education
Section 7–426.5; and 11–1201 through 11–1203 to be under the new subtitle
“Subtitle 12. Heroin and Opioid Addiction and Prevention”
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, Heroin and opioid–related addiction and deaths are an epidemic of immense proportion in the State; and

WHEREAS, Opioids kill, and still they are in every county, city, community, and school in the State; and

WHEREAS, The Department of Health and Mental Hygiene reports that heroin–related deaths tripled in Maryland from 2011 to 2015, with 247 fatal overdoses in 2011 to 748 fatal overdoses in 2015; and

WHEREAS, Maryland is the fifth worst state in the country for heroin and opioid–related deaths; and

WHEREAS, Maryland is the fifth best state in the country for public education; and

WHEREAS, Many addictions begin during the teenage years when teenagers gain access to prescriptions intended for family or friends; and

WHEREAS, Many parents and family members are unaware of how pervasive this epidemic has become; and

WHEREAS, Maryland students, families, educators, law enforcement, and public health officials need to “Start Talking” in a widespread and organized way about this epidemic in order to empower communities to support extensive prevention and recovery efforts; and

WHEREAS, Maryland can no longer pretend that the stories reported by the press are not in our own backyards; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

13–101.

(a) There is an Administrative Office of the Courts, headed by the State Court Administrator. The Administrator is appointed by and holds office during the pleasure of the Chief Judge of the Court of Appeals of Maryland. The Administrator shall have the compensation provided in the State budget. The Administrative Office of the Courts shall have a seal in the form the Chief Judge of the Court of Appeals approves. The courts of the State shall take judicial notice of the seal.

13–101.1.

(A) THE STATE COURT ADMINISTRATOR SHALL ASSESS DRUG COURT PROGRAMS IN CIRCUIT COURTS, INCLUDING JUVENILE COURTS, AND THE DISTRICT COURT TO DETERMINE HOW TO INCREASE THESE PROGRAMS IN A MANNER SUFFICIENT TO MEET EACH COUNTY’S NEEDS.

(B) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF AT LEAST \$2,000,000 IN GENERAL FUNDS IN THE STATE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURPOSE OF AWARDING GRANTS TO EXPAND THE SCOPE OF DRUG COURT PROGRAMS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE STATE COURT ADMINISTRATOR SHALL DISBURSE THE GRANTS AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON THE POPULATION OF THE COUNTY, TO CIRCUIT COURTS, INCLUDING JUVENILE COURTS, AND THE DISTRICT COURT.

Article – Education

7–411.

(a) The State Board shall develop and implement a program of drug **ADDICTION AND PREVENTION** education in the public schools.

(b) (1) **[This] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, THIS** program shall be started before the sixth grade in each public school by teachers who are trained in the field of drug education.

(2) The State Board shall establish standards for determining how a teacher is considered to be “trained in the field of drug **ADDICTION AND PREVENTION** education” for the purposes of this section.

(c) (1) **THE PROGRAM SHALL INCLUDE INSTRUCTION RELATED TO HEROIN AND OPIOID ADDICTION AND PREVENTION.**

(2) **THE INSTRUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:**

(i) **DELIVERED IN GRADE BANDS AS FOLLOWS:**

1. **THIRD GRADE THROUGH FIFTH GRADE;**
2. **SIXTH GRADE THROUGH EIGHTH GRADE; AND**
3. **NINTH GRADE THROUGH TWELFTH GRADE; AND**

(ii) **A STAND-ALONE UNIT IN THE PROGRAM.**

[(c)] (D) This program shall be coordinated with other State agencies that are responsible for drug abuse education and control.

7-426.5.

(A) **EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE TO ADMINISTER NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION TO A STUDENT WHO IS DETERMINED TO BE SUFFERING FROM A NARCOTIC OVERDOSE.**

(B) **THE POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

(1) **TRAINING FOR SCHOOL NURSES ON HOW TO RECOGNIZE THE SYMPTOMS OF A NARCOTIC OVERDOSE;**

1 **(2) PROCEDURES FOR THE ADMINISTRATION OF NALOXONE OR**
2 **OTHER OVERDOSE-REVERSING MEDICATIONS;**

3 **(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;**

4 **(4) A PROVISION REQUIRING ALL PUBLIC SCHOOLS TO OBTAIN AND**
5 **STORE AT THE PUBLIC SCHOOL NALOXONE OR OTHER OVERDOSE-REVERSING**
6 **MEDICATION TO BE USED IN AN EMERGENCY SITUATION; AND**

7 **(5) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND**
8 **IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS**
9 **OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH**
10 **SCHOOL YEAR.**

11 **(C) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL**
12 **NURSE WHO HAS BEEN TRAINED UNDER SUBSECTION (B)(1) OF THIS SECTION AND**
13 **WHO RESPONDS IN GOOD FAITH TO THE OVERDOSE EMERGENCY OF A STUDENT IN**
14 **ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY**
15 **ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE EMERGENCY.**

16 **(D) (1) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF**
17 **THIS PARAGRAPH, FOR EVERY 50,000 STUDENTS ENROLLED IN THE PUBLIC**
18 **SCHOOLS OF A COUNTY, THE COUNTY BOARD, IN COOPERATION WITH THE LOCAL**
19 **HEALTH DEPARTMENT, SHALL HIRE A COMMUNITY ACTION OFFICIAL.**

20 **(II) FOR A COUNTY THAT HAS FEWER THAN 50,000 STUDENTS**
21 **ENROLLED IN THE PUBLIC SCHOOLS OF THE COUNTY, THE COUNTY BOARD SHALL**
22 **COORDINATE WITH NEIGHBORING COUNTIES, IN COOPERATION WITH THE LOCAL**
23 **HEALTH DEPARTMENT IN EACH COUNTY, TO ESTABLISH REGIONAL COMMUNITY**
24 **ACTION OFFICIALS.**

25 **(2) A COMMUNITY ACTION OFFICIAL SHALL:**

26 **(I) BE ASSIGNED TO SPECIFIC MIDDLE AND HIGH SCHOOLS IN**
27 **THE COUNTY;**

28 **(II) COORDINATE SCHOOL-BASED COMMUNITY FORUMS, IN**
29 **COOPERATION WITH LOCAL LAW ENFORCEMENT OFFICIALS; AND**

30 **(III) CONDUCT PUBLIC RELATIONS EFFORTS THAT INCLUDE THE**
31 **FOLLOWING:**

32 **1. PARENT CONTACT;**

1 **2. ELECTRONIC MEDIA; AND**

2 **3. PUBLIC SERVICE ANNOUNCEMENTS.**

3 **(E) (1) FOR FISCAL YEAR 2019, THE GOVERNOR SHALL INCLUDE AN**
4 **APPROPRIATION OF AT LEAST \$3,000,000 IN GENERAL FUNDS IN THE STATE**
5 **BUDGET FOR THE DEPARTMENT FOR THE PURPOSE OF AWARDING GRANTS TO**
6 **COUNTY BOARDS TO IMPLEMENT THE POLICY AND CONDUCT THE TRAINING**
7 **REQUIRED UNDER THIS SECTION.**

8 **(2) THE DEPARTMENT SHALL DISBURSE THE GRANTS AUTHORIZED**
9 **UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON THE ENROLLMENT COUNT**
10 **OF STUDENTS IN PUBLIC SCHOOLS IN THE STATE FOR THE PRIOR FISCAL YEAR.**

11 **(F) (1) EACH PUBLIC SCHOOL SHALL SUBMIT, ON THE FORM THAT THE**
12 **DEPARTMENT REQUIRES, A REPORT TO THE DEPARTMENT ON EACH INCIDENT AT**
13 **THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRED THE USE OF**
14 **NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION.**

15 **(2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE A**
16 **STANDARD FORM TO REPORT EACH INCIDENT REQUIRING THE USE OF NALOXONE**
17 **OR OTHER OVERDOSE-REVERSING MEDICATION AT A PUBLIC SCHOOL.**

18 **SUBTITLE 12. HEROIN AND OPIOID ADDICTION AND PREVENTION.**

19 **11-1201.**

20 **THIS SUBTITLE APPLIES ONLY TO INSTITUTIONS OF HIGHER EDUCATION IN**
21 **THE STATE THAT RECEIVE OPERATING OR CAPITAL FUNDING FROM THE STATE.**

22 **11-1202.**

23 **(A) EACH INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH A POLICY**
24 **THAT ADDRESSES HEROIN AND OPIOID ADDICTION AND PREVENTION.**

25 **(B) THE POLICY ESTABLISHED UNDER THIS SUBTITLE SHALL REQUIRE:**

26 **(1) INCOMING STUDENTS TO PARTICIPATE IN HEROIN AND OPIOID**
27 **ADDICTION AND PREVENTION AWARENESS TRAINING; AND**

1 **(2) EACH INSTITUTION TO OBTAIN AND STORE AT THE INSTITUTION**
2 **NALOXONE OR OTHER OVERDOSE-REVERSING MEDICATION TO BE USED IN AN**
3 **EMERGENCY SITUATION.**

4 **11-1203.**

5 **(A) THE POLICY ESTABLISHED UNDER THIS SUBTITLE SHALL INCLUDE:**

6 **(1) TRAINING FOR CAMPUS POLICE AND HEALTH PERSONNEL ON**
7 **HOW TO RECOGNIZE THE SYMPTOMS OF A NARCOTIC OVERDOSE;**

8 **(2) PROCEDURES FOR THE ADMINISTRATION OF NALOXONE OR**
9 **OTHER OVERDOSE-REVERSING MEDICATIONS;**

10 **(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES; AND**

11 **(4) A REQUIREMENT THAT EACH INSTITUTION DEVELOP AND**
12 **IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS**
13 **OF THE INSTITUTION'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH**
14 **SCHOOL YEAR.**

15 **(B) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, CAMPUS**
16 **POLICE OR HEALTH PERSONNEL WHO HAVE BEEN TRAINED UNDER SUBSECTION**
17 **(A)(1) OF THIS SECTION AND WHO RESPOND IN GOOD FAITH TO THE OVERDOSE**
18 **EMERGENCY OF A STUDENT IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD**
19 **PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING**
20 **TO THE EMERGENCY.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2017.