

DATE:	September 21, 2023
SUBJECT:	Implementation of Fentanyl-Related Legislation
CATEGORY:	School Health
NEXT STEPS:	Notify appropriate staff of new legislative requirements

New fentanyl-related legislation was passed during the 88th Texas Legislature to raise awareness of fentanyl poisonings and to promote prevention efforts. Specifically, students and families need to know that other drugs may contain a deadly level of fentanyl. You cannot see, taste, or smell it. It is almost impossible to tell if another drug is laced with fentanyl unless tested with a fentanyl testing strip. “One Pill Kills” is set up across the state to educate Texans on how to prevent, recognize, and reverse fentanyl poisonings.

The 88th Texas Legislature passed legislation related to fentanyl awareness and education that will impact school health policies and health education beginning with the 2023-2024 school year. The following information provides a summary of new fentanyl-related legislation.

HB 3144

House Bill (HB) 3144 (88th Texas Legislature, Regular Session, 2023) establishes the month of October as **Fentanyl Poisoning Awareness Month** to increase awareness of the dangers of fentanyl and potential overdoses. Fentanyl Poisoning Awareness Month may be regularly observed through appropriate community activities ([Texas Government Code, §662.116](#)). To help school systems plan and prepare to spread awareness during the month of October, the [Fentanyl Response Communications Toolkit](#) resources have been updated to support fentanyl poisoning awareness month.

HB 3908

HB 3908 (88th Texas Legislature, Regular Session, 2023), known as Tucker’s Law, adds to the duties of a school health advisory council (SHAC) the requirement to recommend to the local board of trustees the appropriate grade levels and curriculum for instruction in the dangers of opioids, including addiction to and abuse of synthetic opioids such as fentanyl ([Texas Education Code \(TEC\) §28.004\(c\)](#)).

This legislation also requires the governor to designate a week to be known as Fentanyl Poisoning Awareness Week in public schools to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose. Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

HB 3908 also adds new TEC, §38.040, which requires each school district and open-enrollment charter school to annually provide to students in grades 6–12 research-based instruction on fentanyl abuse prevention and drug poisoning awareness. The required instruction in fentanyl prevention and drug poisoning awareness must include the following:

- Suicide prevention
- Prevention of the abuse of and addiction to fentanyl

- Awareness of local school and community resources and any processes involved in accessing those resources
- Health education that includes information about substance use and abuse, including youth substance use and abuse

The instruction may be provided by a public or private institution of higher education, library, community service organization, religious organization, local public health agency, or organization that employs mental health professionals or an employee or agent of these entities. A document that identifies the Texas Essential Knowledge and Skills (TEKS) related to drug abuse prevention is available in the [Fentanyl Response Communications Toolkit](#).

Lastly, HB 3908 permits a school district or open-enrollment charter school to satisfy a requirement to implement a program in substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under the new Fentanyl Prevention and Drug Poisoning Awareness Education requirement provided by TEC, §38.040 ([TEC, §38.351\(g-1\)](#)).

For questions regarding HB 3144 or HB 3908, please email healthandsafety@tea.texas.gov or call the Curriculum Standards and Student Support Division at 512-463-9581.

SB 629

Senate Bill (SB) 629 (88th Texas Legislature, Regular Session, 2023) adds new [TEC, Chapter 38, Subchapter E-1, Maintenance, Administration, and Disposal of Opioid Antagonists](#), establishing requirements for school districts related to opioid antagonists on school campuses. New [TEC, §38.222](#) requires each school district to adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6–12. The legislation permits districts to adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6. School districts are not required to comply with the requirement to adopt and implement a policy on the maintenance, administration, and disposal of opioid antagonists before January 1, 2024.

Additionally, SB 629 permits open-enrollment charter schools and private schools to adopt and implement such a policy. If a charter school or private school adopts such a policy, the school is permitted to apply the policy only at campuses serving students in grades 6–12 or at each campus, including campuses serving students in a grade level below grade 6.

The legislation requires that a policy for the maintenance, administration, and disposal of opioid antagonists must provide that school personnel and volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose. More details regarding policy requirements are addressed in [TEC, §38.222](#).

SB 629 also adds [TEC, §38.223](#) requiring schools with a policy on the administration of opioid antagonists to report certain information no later than the 10th business day after the date a school personnel member or a school volunteer administers an opioid antagonist.

New [TEC, §38.224](#) establishes that each school district, open-enrollment charter school, and private school that adopts a policy regarding the maintenance, administration, and disposal of opioid antagonists is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. For specific information on the training requirements, please see [TEC, §38.224](#).

This legislation permits a physician or person who has been delegated prescriptive authority to prescribe opioid antagonists in the name of a school district, charter school, or private school. A physician or other person who prescribes opioid antagonists must provide a district or school with a standing order for administration of an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose. For more information regarding prescriptions for opioid antagonists, please see [TEC, §38.225](#).

This legislation became effective June 18, 2023, and requires the executive commissioner of the Health and Human Services Commission to adopt rules related to the maintenance, administration, and disposal of an opioid antagonist. Once effective, the rules can be found by visiting [25 Texas Administrative Code \(TAC\), Part 1, Department of State Health Services, Chapter 40, Stock Medication in Schools and Other Entities, Subchapter F, Opioid Antagonist Medicine Policies in Schools](#).

For questions regarding the rules for SB 629, please contact the Department of State Health Services (DSHS) School Health Programs by emailing schoolhealth@dshs.texas.gov. For questions regarding the statutory requirements of SB 629, please email healthandsafety@tea.texas.gov or call the Curriculum Standards and Student Support Division at 512-463-9581.