Texas Education Agency

To the Administrator Addressed

Commissioner Mike Morath

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DATE:	**September 19, 2024**
SUBJECT:	**Implementation of Fentanyl-Related Legislation**
CATEGORY:	**School Health**
NEXT STEPS:	**Notify appropriate staff of legislative requirements**

Fentanyl-related legislation was passed by 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.

Fentanyl Poisoning Awareness Month

Texas Government Code, §662.116 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. The Fentanyl Response Communications Toolkit includes resources to support Fentanyl Poisoning Awareness Month that are available to help school systems plan and prepare to spread awareness during the month of October.

Fentanyl Abuse Prevention and Drug Poisoning Awareness Education

Legislation related to fentanyl abuse prevention and drug poisoning awareness education, also known as Tucker's Law, establishes the following requirements.

Local School Health Advisory Council (SHAC) duties

A school health advisory council (SHAC) is required 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)).

Fentanyl Poisoning Awareness Week

TEC §29.9074 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. The 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.

Annual instruction for students in grades 6-12

Each school district and open-enrollment charter school is required to annually provide to students in grades 6–12 research-based instruction on fentanyl abuse prevention and drug poisoning awareness (TEC, §38.040). 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.

A school district or open-enrollment charter school may 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)).

Contact information

For questions regarding the legislation referenced in this section, please email healthandsafety@tea.texas.gov or call the Curriculum Standards and Student Support Division at 512-463-9581.

Maintenance, Administration, and Disposal of Opioid Antagonists

TEC, Chapter 38, Subchapter E-1, Maintenance, Administration, and Disposal of Opioid Antagonists, establishes requirements for school districts related to opioid antagonists on school campuses.

Policy requirements

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.

Additionally, this statute 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.

Report on administering an opioid antagonist

TEC, §38.223 requires 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.

Training school personnel and volunteers

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.

Prescription of opioid antagonists

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.

Texas Administrative Code (TAC)

Rules related to the maintenance, administration, and disposal of an opioid antagonist can be found by visiting 2 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.

Contact information

For questions regarding the rules referenced in this section, please contact the Department of State Health Services (DSHS) School Health Programs by emailing schoolhealth@dshs.texas.gov.

For questions regarding the statutory requirements referenced in this section, please email healthandsafety@tea.texas.gov or call the Curriculum Standards and Student Support Division at 512-463-9581.

Additional Information

The Department of State Health Services, Health and Human Services Commission and Texas Education Agency will offer a webinar covering the above topics. Details will be announced in TEA's Health and Physical Education newsletter.