**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3735**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCravy, Gibson, Henderson-Myers, Magnuson, Lawson, T. Moore, Nutt, Hyde, Long, Chumley, Harris and Moss

Companion/Similar bill(s): 3990

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Currently residing in the House

Summary: Opioid Antidote Administration in Schools

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 House Introduced and read first time (House Journal‑page 16)

 1/18/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 16)

 3/6/2024 House Member(s) request name added as sponsor:
 Henderson-Myers, Magnuson, Lawson, T. Moore,
 Nutt, Hyde, Long, Chumley

 4/16/2024 House Member(s) request name added as sponsor: Harris, Moss

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3735_20230118.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑96 SO AS TO ALLOW GOVERNING AUTHORITIES OF PUBLIC AND PRIVATE SCHOOLS TO MAINTAIN A SUPPLY OF OPIOID ANTIDOTES TO BE ADMINISTERED BY TRAINED EMPLOYEES IN AN EMERGENCY, TO REQUIRE CERTAIN STATE AGENCIES AND OTHER ENTITIES TO IMPLEMENT A PLAN FOR THE MANAGEMENT OF STUDENTS AT RISK OF EXPERIENCING AN OPIOID OVERDOSE, AND FOR OTHER PURPOSES; AND BY ADDING SECTION 44‑130‑65 SO AS TO AUTHORIZE THE PRESCRIPTION AND DISPENSING OF OPIOID ANTIDOTES TO SCHOOLS AND TO AUTHORIZE GOVERNING AUTHORITIES OF SCHOOLS TO PURCHASE AND STORE, AND TRAINED EMPLOYEES TO ADMINISTER, OPIOID ANTIDOTES IN AN EMERGENCY, TO REQUIRE THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO DEVELOP AN APPLICABLE JOINT PROTOCOL, AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 59 of the S.C. Code is amended by adding:

 Section 59‑63‑96. (A) As used in this section, and unless the specific context indicates otherwise:

 (1) “Administer” means the direct application of an opioid antidote into the body of a person.

 (2) “Designated school personnel” means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the governing authority to administer an opioid antidote to a student.

 (3) “Governing authority of a school” means the board of trustees of a school district or the board of trustees of a private school.

 (4) “Opioid antidote” means naloxone hydrochloride or other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

 (5) “Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

 (6) “Participating governing authorities” means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain an adequate supply of unexpired opioid antidote medication and administer an opioid antidote when a student or other person is experiencing an opioid overdose pursuant to subsections (B) and (C).

 (7) “School” means a public or private school.

 (B) As authorized in Section 44‑130‑65:

 (1) a physician, an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34, and a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965 may prescribe opioid antidotes maintained in the name of a school for use in accordance with subsection (D);

 (2) licensed pharmacists and physicians may dispense opioid antidotes in accordance with a prescription or pursuant to a standing order in the name of the school; and

 (3) a school may maintain a stock supply of opioid antidote medication in accordance with a prescription or pursuant to a standing order.

For the purposes of administering and storing opioid antidotes, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

 (C) The governing authority of a school district or private school may authorize school nurses and other designated school personnel to administer an opioid antidote to a student or other individual on school premises whom the school nurse or other designated school personnel believes in good faith is experiencing an opioid overdose.

 (D) The governing authority of a school district or private school may enter into arrangements with manufacturers of opioid antidotes or third‑party suppliers of opioid antidotes to obtain a supply of opioid antidotes at fair‑market, free, or reduced prices.

 (E) Participating governing authorities, in consultation with the State Department of Education, the Department of Health and Environmental Control, and the Department of Alcohol and Other Drug Abuse Services, shall implement a plan for the management of students at risk of experiencing an opioid overdose enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

 (1) education and training for school personnel on the management of students at risk of experiencing an opioid overdose or who suffer from other substance use disorders, including training related to the administration of an opioid antidote, techniques on how to recognize symptoms of an opioid overdose, and the standards and procedures for the storage and administration of opioid antidotes;

 (2) procedures for responding to an opioid overdose, including emergency follow‑up procedures; and

 (3) a process for the development of individualized health care and substance use disorder action plans for every student at risk of experiencing an opioid overdose.

 (F) Participating governing authorities shall make the plan developed pursuant to subsection (E) available on the websites of the school district and private school governing authorities and on the websites of schools; however, if a school does not have a website, make the plan publicly available through other practicable means as determined by participating governing authorities.

 (G) This section applies only to participating governing authorities.

 (H)(1) A school, school district, school district governing authority, private school governing authority, the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a prescriber, pharmacist, school nurse, and other designated school personnel, who undertake an act identified in item (2), are not liable for damages caused by injuries to a student or another person resulting from the emergency administration of an opioid antidote, regardless of whether:

 (a) the student's parent or guardian, or a prescriber authorized the administration; or

 (b) the other person to whom an opioid antidote is administered gave authorization for the administration.

 (2) The immunity granted pursuant to item (1) applies to individuals and entities who:

 (a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;

 (b) make publicly available a plan, pursuant to subsection (F);

 (c) prescribe opioid antidotes, pursuant to subsection (B);

 (d) dispense opioid antidotes, pursuant to subsection (B); or

 (e) administer opioid antidotes to students or other people, pursuant to subsection (C).

 (3) The immunity granted pursuant to this subsection:

 (a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and

 (b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15‑1‑310, 15‑78‑10, and any other provisions of law.

 (4) The administration of an opioid antidote pursuant to this section is not the practice of medicine or nursing.

SECTION 2. Chapter 130, Title 44 of the S.C. Code is amended by adding:

 Section 44‑130‑65. (A) A prescriber acting in good faith and exercising reasonable care may directly or by standing order prescribe an opioid antidote to a school for the purpose of administering an opioid antidote in an emergency to a person who appears to be experiencing an opioid‑related overdose.

 (B) A pharmacist may dispense an opioid antidote to a school pursuant to a prescription or standing order issued in accordance with this section.

 (C)(1) A school through its governing authority may purchase and store a supply of opioid antidotes to be administered in an emergency in accordance with the provisions of Section 59‑63‑96:

 (a) obtained pursuant to a written prescription or standing order issued in accordance with this section; and

 (b) pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.

 (2) A school nurse or other designated school personnel may administer an opioid antidote in an emergency in accordance with the provisions of Section 59‑63‑96 and this section if the school nurse or other designated school personnel believes in good faith that the student, staff member, or other person is experiencing an opioid‑related overdose.

 (D)(1) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a school to administer an opioid antidote to a student, staff member, or other person who appears to be experiencing an opioid‑related overdose.

 (2) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of Health and Environmental Control, a representative of the Department of Alcohol and Other Drug Abuse Services, a representative of the Department of Education, and health care professionals licensed in the State.

 (3) For purposes of this section, “school” has the same meaning as defined in Section 59‑63‑96.

 (E)(1) A school that purchases and stores a supply of opioid antidotes in accordance with the provisions of Section 59‑63‑96 and this section is not as a result of an act or omission subject to civil or criminal liability.

 (2) A school nurse or other designated school employee that administers an opioid antidote in accordance with the provisions of Section 59‑63‑96 and this section is not, as a result of an act or omission, subject to civil or criminal liability or subject to professional discipline.

SECTION 3. This act takes effect upon approval by the Governor.

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