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AB-2998 Opioid overdose reversal medications: pupil administration. (2023-2024)

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Date Published: 09/30/2024 09:00 PM

Assembly Bill No. 2998

CHAPTER 974

An act to add Section 49414.35 to the Education Code, relating to pupil health.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2998, McKinnor. Opioid overdose reversal medications: pupil administration.

Existing law authorizes a public or private elementary or secondary school to determine whether or not to make emergency naloxone hydrochloride or another opioid antagonist and trained personnel available at its school, and to designate one or more volunteers to receive related training to address an opioid overdose, as specified. Existing law prohibits a person who has completed that training and who administers, in good faith and not for compensation, naloxone hydrochloride or another opioid antagonist to a person who appears to be experiencing an opioid overdose from being subject to professional review, liable in a civil action, or subject to criminal prosecution for the person's acts or omissions in administering the naloxone hydrochloride or another opioid antagonist, unless the person's acts or omissions constituted gross negligence or willful and wanton misconduct, as provided.

This bill would prohibit a school district, county office of education, or charter school from prohibiting a pupil 12 years of age or older, while on a schoolsite or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication that is federally approved for over-the-counter, nonprescription use, as provided. The bill would prohibit a pupil 12 years of age or older of those local educational agencies who administers those opioid antagonists on a schoolsite or while participating in school activities to a person who appears to be experiencing an opioid overdose, from being held liable in a civil action or being subject to criminal prosecution for their acts or omissions, unless the pupil's acts or omissions constitute gross negligence or willful and wanton misconduct, as provided. The bill would also prohibit those local educational agencies, or an employee of those local educational agencies, from being subject to professional review, liable in a civil action, or subject to criminal prosecution for a pupil's acts or omissions in administering those opioid antagonists, unless an act or omission of the local educational agency, or the employee of the local educational agency, constitutes gross negligence or willful and wanton misconduct connected to the administration of those opioid antagonists.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49414.35 is added to the Education Code, immediately following Section 49414.3, to read:

49414.35. (a) Notwithstanding any other law or regulation, a local educational agency shall not prohibit a pupil 12 years of age or older, while on a schoolsite or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, naloxone hydrochloride or another opioid antagonist.

(b) Notwithstanding any other law or regulation, a pupil 12 years of age or older of a local educational agency who administers naloxone hydrochloride or another opioid antagonist on a schoolsite or while participating in school activities, in good faith and not for compensation, to a person who appears to be experiencing an opioid overdose shall not be liable in a civil action or be subject to criminal prosecution for their acts or omissions in administering the naloxone hydrochloride or another opioid antagonist, unless the pupil's acts or omissions constitute gross negligence or willful and wanton misconduct connected to the administration of the naloxone hydrochloride or another opioid antagonist.

(c) Notwithstanding any other law or regulation, a local educational agency, or an employee of a local educational agency, shall not be subject to professional review, liable in a civil action, or subject to criminal prosecution for a pupil's acts or omissions in administering naloxone hydrochloride or another opioid antagonist, unless an act or omission of the local educational agency, or the employee of the local educational agency, constitutes gross negligence or willful and wanton misconduct connected to the administration of the naloxone hydrochloride or another opioid antagonist.

(d) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Naloxone hydrochloride or another opioid antagonist" means either of the following:

(A) A naloxone hydrochloride nasal spray that is federally approved for over-the-counter, nonprescription use.

(B) Any other opioid overdose reversal medication that is federally approved for over-the-counter, nonprescription use.