

Date of Hearing: March 12, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1841 (Weber) – As Amended March 06, 2024

**SUBJECT:** Student safety: opioid overdose reversal medication: student housing facilities

**SUMMARY:** Requires health centers on campus of the California Community College (CCC), California State University (CSU) to provide two doses of opioid overdose reversal medication to each residential advisor in housing facilities and each house manager of sorority and fraternity housing on campuses of the California Community College (CCC), California State University (CSU), so that the residential advisors and house managers have the medication either in their room or on-their-person while on-call. Requests the health centers located on campuses of University of California (UC) to do the above. Specifically, **this bill:**

- 1) Requires the governing board of a CCC and the Board of Trustees of the CSU and requests the Regents of the UC to email students the location of fentanyl test strips and opioid overdose reversal medication at the beginning of each semester or academic term.
- 2) Requires the health center, located on a CCC, or CSU campus and requests a health center on a UC campus, who has applied and received federally approved overdose reversal medication through the Naloxone Distribution Project, to distribute two doses of the medication annually, in accordance with the terms and conditions of the Naloxone Distribution Project, to the following entities:
  - a) Residential advisors or the equivalent position of the college-affiliated student housing facility. The residential advisor will keep the medication on their person while on call or in their room. The residential advisor is not required to administer the medication and if, the residential advisor administers the medication, a student who may have been found to have violated the student code of conduct due to the reversal incident, will not receive disciplinary sanctions from the campus.
  - b) House managers or the equivalent position, of college-affiliated sorority or fraternity housing facilities. The house manager will keep the medication on their person while on call or in their room. The house manager is not required to administer the medication and if, the house manager administers the medication, a student who may have been found to have violated the student code of conduct due to the reversal incident, will not receive disciplinary sanctions from the campus.

**EXISTING LAW:**

- 1) Requires the governing board of each CCC district and the Trustees of the CSU, and requests the Regents of the UC to do the following:
  - a) Collaborate with campus-based and community-based recovery advocacy organization to provide educational and prevention information provided by the State Department of Public Health about opioid overdose during the campus orientation. The educational and prevention materials should include information about the location of fentanyl test strips and opioid overdose reversal medication on campus.

- b) Notify students of the presences and location of fentanyl test strips via email.
- c) Have each campus health center do the following:
  - i) Apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication and to participate in the Naloxone Distribution Project;
  - ii) If approved, distribute the federally approved opioid overdose medication in accordance with the terms and conditions of the State Department of Health Care Services;
  - iii) Stock and distribute fentanyl strips with written instruction on how to properly use the fentanyl test strips (Education Code Section 67384).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Need for the measure.* As depicted by the author of the measure, “California continues to fight the war against opioids. SB 367 (Hurtado), Chapter 218, Statute of 2022, which required college campuses Health Centers to distribute approved opioid overdose reversal medication. While this is helpful in the fight against opioid overdoses, if a student does not have the medication, it can be difficult and timely to find and use the opioid overdose reversal medication. AB 1841 would require Residential advisors be trained and have access to the opioid overdose reversal medication in dorms and for school affiliated Greek housing to have possession of these medication as well. Opioid overdoses don’t happen at the health center, they are more likely to occur where the students spend the majority of their free time. AB 1841 would save lives by placing the opioid overdose reversal medication where it is needed.”

*Naloxone Statewide Standing Order.* SB 635 (Ammiano), Chapter 707, Statute of 2013, expanded, to all 58 counties in California, a successful pilot program that permitted qualified licensed health care providers to either prescribe an opioid antagonist to a person at risk of an overdose or to provide an opioid antagonist to other persons in a position to assist the at-risk individual from overdosing. In addition to providing training on how to administer the antagonist, the provision provided qualified immunity from civil liability, criminal prosecution and professional review to both the licensed health care providers and anyone who administers the antagonist. The changes to the code section provided the legal jurisdiction for the California State Department of Public Health (CDPH) to issue a statewide Naloxone Standing Order in 2017.

The Naloxone Statewide Standing Order, allowed 1) community organizations, schools, universities, and a host of other organizations to distribute naloxone (opioid antagonist) to either a person at risk of an opioid-related overdose, or to a family member, friend, or other person in a position to assist the at-risk person; and, 2) allowed the recipient of the naloxone to administer the antagonist to a person experiencing or reasonably suspected of experiencing an opioid overdose.

The Naloxone Statewide Standing Order was established to reduce the number of deaths associated with an opioid overdose through community action. Community organizations could apply for a “permit” to distribute naloxone by agreeing to the terms and conditions set forth by the CDPH.

The terms and conditions require the recipient entity of the naloxone to train individuals on how to use the drug and require the entities to report back to the CDPH the number of known reversals that occurred due to the distribution of naloxone. CDPH created a publicly accessible training video that demonstrates:

- How to prevent an overdose;
- How to recognize an opioid overdose, including how to check responsiveness;
- How to store and administer the naloxone;
- How to administer rescue breathing;
- How to place the subject in the recovery position; and,
- How to provide post-overdose care.

The video is readily assessable on CDPH website and is also on YouTube. The Naloxone Standing Order for narcan naloxone nasal spray (narcan) is no longer required because as of March 29, 2023 the U.S. Food and Drug Administration approved narcan for over the counter dispersal. Since a prescription is no longer required, entities no longer need the standing order to distribute narcan to the general public. Other forms of naloxone including intramuscular naloxone, which is administered via a needle to the thigh, still require approval under the Naloxone Statewide Standing Order. As of August 2020, all 50 states and the District of Columbia have some form of naloxone access laws that help citizens access the overdose reversal medication.

*The Naloxone Distribution Project.* After applying for the standing order, entities were encouraged by CDPH to apply for free naloxone from the California Department of Healthcare Services (CDHS) through the Naloxone Distribution Project. The CDHS created the Naloxone Distribution Project in October 2018 to work in tandem with the Naloxone Statewide Standing Order to combat opioid overdose-related deaths. The funding for the project is received through the State General Funds and from monetary settlements with Janssen and Distributors Settlement Agreements. In the 2023-2024 budget, the State increased budget funding for the project by \$74.75 million. Since its inception, the Naloxone Distribution Project has distributed more than 3 million naloxone kits which have saved more than 250,000 lives.

Entities are able to apply for the free naloxone and can receive shipments of up to 2,400 units from CDHS. For orders larger than 204 units, the applying entity must provide a distribution plan and a comprehensive summary justifying the need for the large order. Just as with the standing order, entities who receive the free naloxone, must provide training on how to use the drug to properly reverse the effect of the opioid and report information regarding the number of known reversals that occur from the distribution of the naloxone. Just as with the statewide standing order, the CDHS provides access to free online trainings for how to use the naloxone provided by the program.

Data collected by the CDHS shows that as of March 2024, 10,973 applications have been approved for free naloxone. 1,865 of those approved applicants identified as either schools or colleges. Of the 3,887,536 doses of naloxone provided, 194,376 were provided to schools or colleges.

*Campus Opioid Safety Act.* SB 367 (Hurtado) established the Campus Opioid Safety Act which required CCC and CSU and requested the UC to do the following:

- 1) Provide educational and prevention information provided by the CDPH about opioid overdose and the use and location of naloxone on campuses during campus orientations; and,
- 2) Have the campus health centers apply for a permit to distribute naloxone through the Naloxone Statewide Standing Order and if approved, subsequently apply to Naloxone Distribution Project to provide free naloxone to the campus community.

In response to the Campus Opioid Safety Act, the CDPH created a toolkit for colleges and universities to use to be in compliance with the law. The toolkit includes a video on naloxone, fact sheets on opioid overdose prevention on college campuses, a video on how to use narcan (nasal spray naloxone), and social media campaigns to help advertise the availability of the naloxone on campus. The CDPH website dedicated to College Opioid Overdose Prevention includes information on California Good Samaritan Laws and encourages campuses to inform students of their protection from being liable for any civil damages for administering the naloxone under Health and Safety Code Section 1799.102.

Each of the CSU and UC campuses have a designated campus health centers. The CSU provides educational materials that include the location of naloxone on campus through various methods including information on the campus website and during orientation. Since 2023, collectively the 23 campuses of the CSU have provided 5,489 doses of naloxone.

*At the time of the publication of this analysis, Committee Staff had not received information from the UC office of the president on whether they have required campuses to comply with AB 367 (Hurtado).* A search of UC campus websites yielded a confusing result with each campus seemingly having their own distribution plan with some partnering with nonprofit organizations and other offering naloxone through the campus health center.

The CCC does not require students to attend orientation even if one is offered on campus; therefore it is impossible to confirm if CCC students are receiving the educational materials as intended by Senator Hurtado. 92 community colleges have a health center on campus. How naloxone is distributed varies from campus to campus with some providing naloxone directly from the health center or from campus security and others holding publicly available trainings where students can pick up a naloxone kit after they complete the training. Others such as Cerritos College have naloxone available at 11 different locations on campus including the Child Development Center, the Pool, and the Learning Resource Center.

*At the time of the publication of this analysis the Chancellor's Office of the CCC could not confirm the number of community colleges who had applied for the standing order nor who had applied to receive naloxone through the Naloxone Distribution Project.*

Furthermore, according to the Chancellor's Office, concerns have been raised by some community colleges regarding whether they are able to adhere to the terms and conditions set forth by the Naloxone Distribution Project and therefore have elected not to apply. Specifically concerns were raised as to whether the community colleges could comply with reporting opioid overdose reversals. How can the CCC do this if they are providing the naloxone to students who could use the medication on-and off-campus? The answer to their question lies in the application for the Naloxone Distribution Project which clearly states the entity is required to report *known*

*or available* data on the number of reversals. Therefore, if the community college were to provide the medication to students and no data is reported back to the college on whether the naloxone was used, the community college would not be required to report data to CDHS. Another concern raised by some community colleges was the fear of liability lawsuits. This concern is covered by the CDPH website dedicated to College Opioid Overdose Prevention. Community college staff who administer the lifesaving naloxone would not be liable under the Good Samaritan laws.

*Committee Staff note that regardless of the liability concerns they are bound by state law to apply and if approved, to provide the naloxone medication through their campus health centers. A community college could avoid compliance only if the college does not have a health center on campus.*

*College housing and residential advisors.* The U.S. Bureau of Labor Statistics (Bureau) defines residential advisors as employees of a college or university that coordinate activities, order supplies, determine need for maintenance, repairs, and furnishings, and assists residents of the facility with resolving problems of a relational or academic nature by either direct assistance or referrals to supports on campus. The Bureau, as of May 2022, found that 9,030 colleges, universities, and professional schools employed residential advisors and the average hourly pay of \$20.24.

The UC and CSU both have housing on each of their campuses and have designated positions similar to a residential advisor, although the nomenclature of the position differs from campus to campus. Typically, residential advisors are student-employees of the campus, who live within the dorms, monitor residential activities, and provide emotional and if necessary, health support to the residents. Each campus has their own training for residential advisors which in some cases includes campus safety protocols, cardiopulmonary resuscitation, and conflict resolution.

Thirteen community college campuses have student housing. All but three have residential advisors or the equivalent positions for the on-campus housing.

The UC and CSU both have Greek fraternity and sorority affiliations on campus and in some cases, the fraternity or sorority have designated housing on campus. The CCC, however, do not have campus-affiliated fraternities and sororities. The Greek life on CCC is relegated to clubs; however it is possible with the increase in student housing and the offering of baccalaureate degrees on CCC campuses, fraternity and sorority participation may increase beyond club status.

*Arguments in support.* Generation Up, a student-led educational advocacy organization dedicated to amplifying youth voices, heralds the need for AB 1841, because, “one out of every five Californian youth aged 15 to 24 tragically passed away in 2021 due to opioid overdose. Training residential life staff on Naloxone administration and stocking university-affiliated housing facilities, like dormitories and apartments, with said opioid overdose reversal medication would allow for the administration of life-saving medication in the most timely manner. By providing students with resources, training, and education to harm reduction, campuses can be made safer and lower the risk of overdose-related death.”

*Previous legislation.*

- 1) AB 461 (Ramos), Chapter 525, Statutes of 2023, requires the CCC and CSU and requests the UC, to provide information about the use and location of fentanyl test strips as part of established campus orientations, to notify students of the presence and location of fentanyl

test strips, and requires that each campus health center stock and distribute fentanyl test strips, as specified.

- 2) SB 367 (Hurtado), Chapter 219, Statutes of 2022, established the Campus Opioid Safety Act, which required each CCC and CSU and requests the UC, to provide educational and preventive information about opioid overdose and the use and location of opioid overdose reversal medication on campus during campus orientations.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Association of Alcohol and Drug Program Executives, INC.

California District Attorneys Association

Faculty Association of California Community Colleges

Genup (generation Up)

**Opposition**

None on file.

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