

Date of Hearing: March 21, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 461 (Ramos) – As Introduced February 6, 2023

**SUBJECT:** Student safety: fentanyl test strips

**SUMMARY:** Requires the governing board of each community college district (CCD) and the Trustees of the California State University (CSU) 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. Specifically, **this bill:**

- 1) Requires the governing board of each CCD and the Trustees of the CSU, and the Regents of the University of California (UC), do both of the following:
  - a) In collaboration with campus-based and community-based recovery advocacy organizations, provide, as part of established campus orientations, educational and preventive information provided by the State Department of Public Health about opioid overdose and information about the use and location of fentanyl test strips to students at all campuses of their respective segments; and,
  - b) Notify students of the presence and location of fentanyl test strips through a method such as email.
- 2) Requires the governing board of each CCD and the Trustees of the CSU, and requests of the Regents of the UC, that each campus health center located on a campus within their respective segments:
  - a) Stock fentanyl test strips in the campus health center and distribute the strips through the campus health center. Written instructions on how to properly use the strips will be distributed with the strips.
- 3) Makes various technical, clarifying, and non-substantive changes to existing law.
- 4) Establishes that, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs will be made as specified.

**EXISTING LAW:**

- 1) Establishes the UC, administered by the Regents of the UC; the CSU, administered by the Trustees of the CSU; and the CCC, administered by the Board of Governors of the CCC as the three segments of public postsecondary education in the state. (Education Code (EDC) Sections 70900, 89000, and 92000)
- 2) Prohibits provisions in higher education law from applying to the UC except to the extent that the Regents of UC, by appropriate resolution, make those provisions applicable. (EDC Section 67400)

- 3) Requires the governing board of each CCC district and the CSU Trustees, and requests the UC Regents, to provide educational and preventative information about sexual violence to students at all campuses of their respective segments, as specified. Requires and requests, as appropriate, campuses to provide specified information as part of established campus orientations. (EDC Sections 67385.7, 66302.5)
- 4) Requires CCDs and the CSU, and requests the UC, to utilize a statewide program to distribute a federally approved opioid overdose reversal medication to students and to provide educational and preventive information about opioid overdose and reversal medication, as specified. (EDC Section 67384)

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Purpose.* According to the author, “AB 461 aims to reduce fentanyl-related overdose deaths in all of California’s public universities and colleges by requiring [CSU] and California Community College as well as requesting the [UC] campuses to provide fentanyl testing strips to students. This is a preventative measure to ensure our students safety and prevent further deaths due to overdoses. No parent should have to receive a call that their child has died due to a fentanyl related overdose and this bill is aimed at trying to prevent that.”

*Fentanyl & Overdose Prevention.* According to the California Department of Public Health (CDPH), in 2021 more than 71,000 people died from synthetic opioid-related drug overdose in the United States. Based on preliminary 2021 data, there were 6,843 opioid-related overdose deaths in California, with 5,722 of these deaths were related to fentanyl. In 2021, there were 224 fentanyl-related overdose deaths among teens, ages 15–19 years old, in California.

Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine. Recently, brightly colored fentanyl, referred to as “rainbow” fentanyl, and has begun circulating in illegal markets. “Rainbow” fentanyl can be found in many forms, including pills, powders, and blocks that can resemble sidewalk chalk or candy. Regardless of appearance or color, any pill that does not come from a health care provider or pharmacist could contain fentanyl and be deadly.

*Naloxone.* According to the CDPH website, naloxone, a prescription drug, is an opioid antagonist that works almost immediately to reverse opiate overdose and has few known adverse effects, no potential for abuse, and can be rapidly administered through intramuscular injection or nasal spray. Programs to train and equip bystanders, such as friends, family, and other non-health care providers, and drug users themselves, have gained momentum as an effective way to respond to and reverse an opioid overdose.

*Statewide standing order for naloxone distribution.* CDPH issued a statewide standing order for naloxone in June 2018. The order allows organizations and entities, including colleges and universities, to distribute naloxone to a person who is at risk of experiencing an overdose or an individual in a position to assist an at-risk person. Staff of community organizations and other entities distributing naloxone under the statewide standing order are required to receive training, and required to provide training to individuals who receive naloxone from them. Organizations, including colleges, may apply to use the statewide standing order and meet certain terms and conditions.

*Committee comments.* SB 367 (Hurtado, Chapter 218, Statutes of 2022), requires CCDs and the CSU, and requests the University of California (UC), to utilize the Naloxone Distribution Project administered by the State Department of Health Care Services, to distribute a Naloxone reversal medication to students and to provide educational and preventive information about opioid overdose and reversal medication. AB 461 adds to these efforts, including fentanyl testing strip education and procurement.

Staff notes that the Governor’s proposed 2023-24 budget includes funding to support innovative approaches to make fentanyl test strips and naloxone more widely available.

*Arguments in support.* The sponsor of AB 461, Generation Up, wrote that “fentanyl test strips (FTS) are a clear and effective tool used to detect fentanyl prior to injection. To use them, ‘testers dissolve a small amount of substance in water and then dip the test strip into the liquid for 15 seconds. Because the test strips are highly sensitive, a minimal amount of drug residue is sufficient to obtain a result. The test strip is then set on a flat surface until results appear, typically within 5 minutes.’ Therefore, these strips offer a low-cost, reliable, and easy method to help prevent overdose and reduce harm. It is imperative that students have access to this type of resource as it will protect them and the greater student body by lowering the risk of overdose or poisoning from drug and opioid use. These services should be easily accessible and provided to all students as a way to keep students safe and give them the information to not only protect themselves but also their peers.”

The Steinberg Institute also wrote in support, noting that, “one out of every five California youths aged 15 to 24 who died in 2021 were killed by a fentanyl overdose, whether it was through the actual usage of fentanyl or consuming a laced drug. These services should be easily accessible and provided to all students to keep students safe and give them the information to not only protect themselves, but also their peers. Despite the alarming nature of the opioid crisis, there is no mention of the dangers of fentanyl or how to use fentanyl testing strips in campus Drug and Alcohol training and orientations. Additionally, campuses do not currently provide free fentanyl testing strips for their students. The Steinberg Institute is pleased to support AB 461 to ensure that California’s college students have access to life-saving fentanyl testing strips.”

*Related legislation.* SB 367 (Hurtado, Chapter 218, Statutes of 2022) as described in *Committee comments*.

AB 635 (Ammiano, Chapter 707, Statutes of 2013) revised and recast provisions of AB 2145 (Ammiano, Chapter 545, Statutes of 2010) to permit a licensed health care provider who is permitted to prescribe an opioid antagonist to prescribe, and subsequently dispense or distribute, an opioid antagonist to a person at risk of an opioid-related overdose, a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. Permits these licensed health care providers to issue standing orders for the distribution of an opioid antagonist and for the administration of an opioid antagonist by a family member, friend, or other person in a position to assist a person experiencing or suspected of experiencing an opioid overdose. Repealed the sunset date.

AB 2145 (Ammiano) extended the sunset date of SB 767 (Ridley-Thomas, Chapter 477, Statutes of 2007) to January 1, 2016. Permitted a person who is not otherwise licensed to administer an opioid antagonist in an emergency without fee if the person has received specified training information and believes in good faith that the other person is experiencing a drug overdose.

Prohibited a person, as a result of his or her acts or omissions, from being liable for any violation of any professional licensing statute, or subject to any criminal prosecution arising from or related to the unauthorized practice of medicine or the possession of an opioid antagonist.

SB 767 (Ridley-Thomas) permitted, until January 1, 2011, a licensed health care provider, who is already permitted to prescribe an opioid antagonist, if acting with reasonable care, to prescribe and subsequently dispense or distribute an opioid antagonist in conjunction with an opioid overdose prevention and treatment training program without being subject to civil liability or criminal prosecution.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Generation Up (Sponsor)  
Steinberg Institute

**Opposition**

None on file

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