

## Recent Bills Focus on Preventing Opioid Overdoses

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Governor Newsom recently signed Assembly Bill (AB) 889, Senate Bill (SB) 10, and SB 234, which focus on preventing opioid overdoses in California public schools.

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### **AB 889 – Annual Notice to Parents and Guardians Regarding Synthetic Drugs**

AB 889 requires local educational agencies (LEAs) to notify parents or guardians regarding the dangers associated with using unprescribed synthetic drugs, such as fentanyl, through updates to the annual notice. As a reminder, the annual notice should be provided at the beginning of the first semester/quarter of the regular school term. In addition to updating the annual notice, LEAs will also be required to make information regarding the use of synthetic drugs available on their websites, if the LEA maintains a website, for parents or guardians to easily access.

### **SB 10 – School Safety Plan and Melanie’s Law**

Senate Bill 10 is named “Melanie’s Law” after Melanie Ramos, who passed away due to a fentanyl overdose in a high school restroom at the age of fifteen. Melanie’s Law becomes effective January 1, 2024, and requires schools serving students in grades seven through 12 to include protocols for responding to a student who may be suffering from an opioid overdose as part of their comprehensive school safety plans. The protocols should specify strategies for the prevention and treatment of opioid overdoses. Notably, SB 10 will also apply to charter schools through related provisions regarding petitions for the establishment of a charter school.

Melanie’s Law also encourages State and county-wide collaborative efforts to spread awareness about opioid overdose and prevention. It encourages county offices of education to create a county working group for the purpose of outreach, increasing awareness, and collaborating with local health agencies to help prevent fentanyl overdoses. At the State level, Melanie’s Law requires the California Department of Education (CDE) to establish a working group on fentanyl education in schools and develop a “School Training and Resource Guide for Opioid Overdose Prevention and Treatment,” that will serve as a toolkit for school staff. The toolkit will be distributed to all LEAs and maintained on the CDE’s website. The bill also expands training around the prevention of opioid overdoses in schools. Existing law requires the CDE to offer training in recognizing the signs and symptoms of youth behavioral health disorders, including common psychiatric conditions and substance use disorders, such as opioid and alcohol abuse. This bill expands the CDE’s training programs for school staff to include the use of emergency opioid antagonists for the purposes of treating an opioid overdose.

In enacting SB 10, the Legislature has clarified that LEAs should use alternatives to a referral to a law enforcement agency in response to an incident involving a student misusing opioids, to the extent it does not conflict with any other law requiring referral. Such alternatives could include restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support.

For more discussion regarding Melanie's Law, see [2023 Client News Brief Number 43](#)

## **AB 234 – Stadiums, Concert Venues and Amusement Parks to Maintain Opioid Antagonists**

While an earlier version of SB 234 proposed a requirement that LEAs maintain opioid antagonists, the language was removed in July 2023. AB 234, as codified, requires stadiums, concert venues, and amusement parks to maintain unexpired doses of naloxone hydrochloride, or other opioid antagonists to prevent opioid overdoses, at all times, and requires at least two employees to be aware of its location. While safety plans developed by LEAs under SB 10 may require having opioid antagonists on hand, AB 234 may also create a potential obligation for LEAs who maintain a stadium or concert venue to also have opioid antagonists available.

### **Takeaways**

LEAs should start planning now to ensure compliance with the requirements set forth in AB 889 and SB 10, and SB 234, including adding compliant language to annual notices, websites, and comprehensive school safety plans. LEAs should be prepared to provide content to parents and guardians at the start of the 2024-2025 school year, add information around the dangers of using unprescribed synthetic drugs on their websites by the first semester of quarter of the school year, and begin to consider strategies for the prevention and treatment of opioid overdoses at their school sites for inclusion in the comprehensive school safety plans by the start of the 2024-25 school year.

If you have any questions about AB 889, SB 10, or AB 234 and its implementation, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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