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# California's Fentanyl Legislation: Student Instruction and Emergency Treatment of Opioid Overdoses

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The California Legislature recently passed several student health and instruction bills related to fentanyl education and student possession and use of emergency opioid overdose medication and test strips.

Assembly Bill (AB) 2998 prevents school districts, county offices of education, and charter schools from prohibiting students 12 years of age or older from carrying or administering federally approved nonprescription opioid overdose medication to provide emergency treatment to persons reasonably believed to be suffering from opioid overdoses. AB 2998 applies when students are on school sites or participating in school activities.

Senate Bill (SB) 997 similarly prevents school districts, county offices of education, and charter schools from prohibiting students in middle schools, junior high schools, high schools, or adult schools, while on school sites or participating in school activities, from carrying fentanyl test strips or federally approved opioid antagonists for the emergency treatment of persons reasonably believed to be suffering from opioid overdoses.

Finally, AB 2429 requires school districts and charter schools whose students must complete a course in health education for graduation to include instruction in the dangers of fentanyl use during health education courses by the 2026-2027 school year.

## Background

Existing law authorizes public elementary and secondary schools to determine whether to make emergency opioid overdose medication and trained personnel available at school. State law further authorizes school districts, county offices of education, and charter schools to provide emergency opioid antagonists to school nurses or trained personnel to provide aid to persons suffering from opioid overdoses. AB 2998 and SB 997 now require public schools to allow students to possess and use emergency opioid overdose medication and test strips under certain circumstances.

AB 2998 specifies that students who administer emergency opioid overdose medication to persons appearing to be experiencing opioid overdoses on school sites or while participating in school activities are not liable in civil actions

or subject to criminal prosecutions for acts or omissions in administering the medication, unless the students' acts or omissions constitute gross negligence or willful and wanton misconduct. School employees also have immunity from professional review, civil liability, or criminal liability if a student administers such medication.

Currently, school districts and charter schools requiring a course in health education for graduation must include a variety of specified instruction topics in the course. AB 2429 adds instruction on the dangers of fentanyl use to the list of required topics. Instruction must be consistent with the State Board of Education's most recently adopted "Health Framework for California Public Schools" and include, but not be limited to:

- The differences between the legal and illegal uses of fentanyl;
- The lethal dose of fentanyl, including comparing that lethal dose of fentanyl to the lethal dose of other drugs;
- How often fentanyl is put into illegal drugs without a user's knowledge;
- What fentanyl does to a human body and the severity of fentanyl's addictive properties;
- How to buy and use fentanyl test strips;
- How to buy and use naloxone or other opioid antagonists in the form of a prefilled nasal product and an injection; and
- How to detect if someone is overdosing on fentanyl.

## Takeaways

Local educational agencies should keep in mind the following requirements:

1. By the 2026-2027 school year, public schools requiring students to complete a course in health education must include information related to the dangers of fentanyl use during instruction;
2. Public schools must not prohibit students 12 years of age or older from carrying or administering emergency opioid overdose medication to provide emergency treatment to persons suffering from opioid overdoses; and
3. Public schools must not prohibit students in middle schools, junior high schools, high schools, or adult schools from carrying fentanyl test strips or opioid antagonists to provide emergency treatment to persons suffering from opioid overdoses while on campus or participating in school activities.

For more information on the fentanyl legislation, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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