

118TH CONGRESS
1ST SESSION

S. _____

To amend the Public Health Service Act to provide funding for trained school personnel to administer drugs and devices for emergency treatment of known or suspected opioid overdose, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Public Health Service Act to provide funding for trained school personnel to administer drugs and devices for emergency treatment of known or suspected opioid overdose, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Access to
5 Naloxone Act of 2023”.

1 **SEC. 2. GRANTS FOR REDUCING OPIOID OVERDOSE**
2 **DEATHS.**

3 (a) USE OF FUNDS.—Section 544(c) of the Public
4 Health Service Act (42 U.S.C. 290dd–3(c)) is amended—

5 (1) in paragraph (1), by inserting “or admin-
6 istering” after “prescribing”; and

7 (2) in paragraph (2), by inserting “or on the
8 administration of” after “prescribing of”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
10 544(g) of the Public Health Service Act (42 U.S.C.
11 290dd–3(g)) is amended by striking “to carry out this sec-
12 tion” and inserting “to carry out this section and section
13 544A”.

14 **SEC. 3. GRANTS FOR REDUCING OPIOID OVERDOSE**
15 **DEATHS IN ELEMENTARY AND SECONDARY**
16 **SCHOOLS.**

17 Title V of the Public Health Service Act is amended
18 by inserting after section 544 of such Act (42 U.S.C.
19 290dd–3) the following:

20 **“SEC. 544A. REDUCING OPIOID OVERDOSE DEATHS IN ELE-**
21 **MENTARY AND SECONDARY SCHOOLS.**

22 “(a) IN GENERAL.—The Secretary may award grants
23 to eligible entities to provide for the administration, at
24 public and private elementary and secondary schools under
25 the jurisdiction of the eligible entity, of drugs and devices

1 for emergency treatment of known or suspected opioid
2 overdose.

3 “(b) APPLICATIONS.—To seek a grant under this sec-
4 tion, an eligible entity shall submit to the Secretary an
5 application at such time, in such manner, and con-
6 taining—

7 “(1) the information required under section
8 544(b);

9 “(2) the certifications specified in subsection
10 (c); and

11 “(3) such other information as the Secretary
12 shall require.

13 “(c) CERTIFICATIONS.—The certifications specified
14 in this subsection, with respect to each elementary school
15 and secondary school in the eligible entity’s jurisdiction,
16 are the following:

17 “(1) The school has in place a program under
18 which the school will permit trained personnel of the
19 school to administer drugs or devices for purposes of
20 providing emergency treatment of known or sus-
21 pected opioid overdose.

22 “(2) The school will maintain a supply of such
23 drugs and devices in a location that is easily acces-
24 sible to trained personnel of the school for the pur-
25 pose of administering such drugs and devices.

1 “(3) The school has in place a plan for having
2 on the premises of the school during all operating
3 hours one or more individuals who are such trained
4 personnel.

5 “(4) The State attorney general of the State in
6 which the school is located certifies that the State—

7 “(A) has reviewed any applicable civil li-
8 ability protection law to determine the applica-
9 tion of such law with regard to elementary and
10 secondary school trained personnel who may ad-
11 minister drugs and devices for emergency treat-
12 ment in the case of a known or suspected opioid
13 overdose; and

14 “(B) has concluded that such law provides
15 adequate civil liability protection applicable to
16 such trained personnel.

17 “(d) DEFINITIONS.—In this section:

18 “(1) The term ‘civil liability protection law’
19 means a State law offering legal protection to indi-
20 viduals who give aid in an emergency to an indi-
21 vidual who is ill, in peril, or otherwise incapacitated.

22 “(2) The term ‘eligible entity’ has the meaning
23 given to such term in section 544.

1 “(3) The term ‘trained personnel’ means, with
2 respect to an elementary or secondary school, an in-
3 dividual—

4 “(A) who is a school nurse or other indi-
5 vidual designated by the principal or other ap-
6 propriate administrative staff of the school to
7 administer drugs or devices for emergency
8 treatment in the case of a known or suspected
9 opioid overdose;

10 “(B) who has received training in the ad-
11 ministration of such drugs or devices; and

12 “(C) whose training in the administration
13 of such drugs or devices meets appropriate
14 medical standards and has been documented by
15 appropriate administrative staff of the school.”.