

## **BILL ANALYSIS**

Senate Research Center  
88R25003 AMF-F

H.B. 3908  
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Education  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Fentanyl continues to be a crisis issue in Texas, with fentanyl-related deaths in the state rising by over 500 percent since 2019. Tragically, many of these deaths have been young Texans. In 2021 alone, there were 9,078 reported opioid-related emergency department visits with 92 percent of all opioid-overdose-related deaths between the ages of 0-17 involving fentanyl poisoning. Governor Abbott has made addressing the fentanyl crisis an emergency item for the 88th Legislature.

Texas mothers and fentanyl poisoning education advocates contend that current state law is structured in such a way that does not properly educate public school students on fentanyl abuse prevention and drug poisoning awareness.

H.B. 3908 mandates the provision of annual research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to public school students in grades 6-12. Instruction may be provided by multiple entities throughout the annual training, generating a broader knowledge of the detrimental effects associated with youth substance use and abuse. Additionally, the provision of this training may satisfy current statutory requirements for school districts to implement a program in the area of substance abuse prevention and intervention.

H.B. 3908 also requires the governor to designate one week of the school year as Fentanyl Poisoning Awareness Week to further educate students about the dangers posed by fentanyl.

H.B. 3908 amends current law relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as Tucker's Law.

SECTION 2. Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.9074, as follows:

Sec. 29.9074. FENTANYL POISONING AWARENESS WEEK. (a) Requires the governor, to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose, to designate a week to be known as Fentanyl Poisoning Awareness Week in public schools.

(b) Authorizes Fentanyl Poisoning Awareness Week to include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

SECTION 3. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.040, as follows:

Sec. 38.040. FENTANYL ABUSE PREVENTION AND DRUG POISONING AWARENESS EDUCATION. (a) Requires each school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

(b) Requires that the instruction required by this section include:

- (1) suicide prevention;
- (2) prevention of the abuse of and addiction to fentanyl;
- (3) awareness of local school and community resources and any processes involved in accessing those resources; and
- (4) health education that includes information about substance use and abuse, including youth substance use and abuse.

(c) Authorizes the instruction required by this section to be provided by an entity or an employee or agent of an entity that is:

- (1) a public or private institution of higher education;
- (2) a library;
- (3) a community service organization;
- (4) a religious organization;
- (5) a local public health agency; or
- (6) an organization employing mental health professionals.

SECTION 4. Amends Section 38.351, Education Code, by adding Subsection (g-1) to authorize a school district to satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Section 38.040.

SECTION 5. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 6. Effective date: upon passage or September 1, 2023.