

House Bill 419 (COMMITTEE SUBSTITUTE)

By: Representatives Hawkins of the 27th, Gambill of the 15th, Martin of the 49th, Jackson of the 128th, Mathis of the 133rd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 require the possession of opioid antagonists by institutions within the University System of
3 Georgia and units within the Technical College System of Georgia; to provide for
4 definitions; to provide for possession of opioid antagonists by certain individuals; to require
5 the maintenance of a stock supply of opioid antagonists; to provide for the use and location
6 of opioid antagonist storage compartments; to authorize certain personnel to administer
7 opioid antagonists and carry opioid antagonists; to provide for immunity; to provide that
8 neither civil liability nor professional discipline shall accrue to personnel, the systems, or
9 institutions or units thereof; to provide for an exception; to amend Code Section 31-2A-20
10 of the Official Code of Georgia Annotated, relating to accessibility to opioid antagonists in
11 government buildings and courthouses, guidelines and training, and limitations on liability,
12 so as to make conforming changes; to provide for related matters; to repeal conflicting laws;
13 and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 419 (SUB)

- 1 -

PART I.

SECTION 1-1.

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17 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part
18 2 of Article 2 of Chapter 3, relating to university system, by adding a new Code section to
19 read as follows:

20 "20-3-88.

21 (a) As used in this Code section, the term:

22 (1) 'Automated external defibrillator' means a defibrillator which:

23 (A) Is capable of cardiac rhythm analysis;

24 (B) Will charge and be capable of being activated to deliver a countershock after
25 electrically detecting the presence of certain cardiac dysrhythmias; and

26 (C) Is capable of continuous recording of the cardiac dysrhythmia at the scene with a
27 mechanism for transfer and storage or for printing for review subsequent to use.

28 (2) 'Community funding source' means local sources of capital provided by local banking
29 institutions, including credit unions, community foundations, county or municipal
30 governments, businesses, or residents. Such funding sources may include grants, gifts,
31 contracts, monetary donations, or loans.

32 (3) 'Institution' means any college, school, academy, university, or experiment station at
33 any particular location which forms a part of the university system.

34 (4) 'Opioid antagonist' shall have the same meaning as set forth in Code Section
35 26-4-116.2.

36 (5) 'Opioid antagonist storage compartment' means the structure in which opioid
37 antagonists may be stored.

38 (6) 'University system' means the University System of Georgia.

39 (b) No student, visitor, or university system employee shall be prohibited from possessing
40 an opioid antagonist on university system property or at a university system sponsored
41 activity.

42 (c) Subject to available funding from community funding sources, each institution shall
43 acquire and maintain a supply of opioid antagonists in any secure location in such a
44 quantity to be used for multiple opioid overdose events; provided, however, that, if there
45 occurs a shortage of opioid antagonists, the institution shall make a reasonable effort to
46 maintain its supply of opioid antagonists. Any such supply shall be maintained in
47 accordance with the manufacturer's instructions.

48 (d) Subject to available funding from community funding sources, each institution
49 maintaining one or more automated external defibrillators shall maintain opioid antagonists
50 in an opioid antagonist storage compartment which shall be located within three feet of
51 such defibrillators or as close as space reasonably allows.

52 (e) Any university system personnel may administer an opioid antagonist to any person
53 who the university system personnel believes in good faith to be experiencing an opioid
54 overdose:

55 (1) While at an institution;

56 (2) While at a university system sponsored activity;

57 (3) While under the supervision of university system personnel; or

58 (4) Before or after normal institution activities.

59 (f) Any university system personnel who in good faith administers or chooses not to
60 administer an opioid antagonist shall be immune from civil liability or professional
61 discipline for any act or omission to act related to the administration of an opioid
62 antagonist, except that such immunity shall not apply to an act of willful or wanton
63 misconduct.

64 (g) Neither civil liability nor professional discipline shall accrue to university system
65 personnel and no civil liability shall accrue to the university system or to any institution of

66 such system due to the removal or misuse of an opioid antagonist or antagonists; provided,
67 however, that immunity shall not apply to an act of willful or wanton misconduct."

68 **SECTION 1-2.**

69 Said title is further amended in Article 2 of Chapter 4, relating to technical and adult
70 education, by adding a new Code section to read as follows:

71 "20-4-39.1.

72 (a) As used in this Code section, the term:

73 (1) 'Automated external defibrillator' means a defibrillator which:

74 (A) Is capable of cardiac rhythm analysis;

75 (B) Will charge and be capable of being activated to deliver a countershock after
76 electrically detecting the presence of certain cardiac dysrhythmias; and

77 (C) Is capable of continuous recording of the cardiac dysrhythmia at the scene with a
78 mechanism for transfer and storage or for printing for review subsequent to use.

79 (2) 'Community funding source' means local sources of capital provided by local banking
80 institutions, including credit unions, community foundations, county or municipal
81 governments, businesses, or residents. Such funding sources may include grants, gifts,
82 contracts, monetary donations, or loans.

83 (3) 'Opioid antagonist' shall have the same meaning as set forth in Code Section
84 26-4-116.2.

85 (4) 'Opioid antagonist storage compartment' means the structure in which opioid
86 antagonist may be stored.

87 (5) 'Technical college system' means the Technical College System of Georgia.

88 (6) 'Unit' means any institution, college, school, academy, or experiment station at any
89 particular location which forms a part of the technical college system.

- 90 (b) No student, visitor, or technical college system employee shall be prohibited from
91 possessing an opioid antagonist on technical college system property or at a technical
92 college system sponsored activity.
- 93 (c) Subject to available funding from community funding sources, each unit shall acquire
94 and maintain a supply of opioid antagonists in any secure location in such a quantity to be
95 used for multiple opioid overdose events; provided, however, that, if there occurs a
96 shortage of opioid antagonists, the unit shall make a reasonable effort to maintain its supply
97 of opioid antagonists. Any such supply shall be maintained in accordance with the
98 manufacturer's instructions.
- 99 (d) Subject to available funding from community funding sources, each unit maintaining
100 one or more automated external defibrillators shall maintain opioid antagonists in an opioid
101 antagonist storage compartment which shall be located within three feet of such
102 defibrillators or as close as space reasonably allows.
- 103 (e) Any technical college system personnel may administer an opioid antagonist to any
104 person who the technical college system personnel believes in good faith to be
105 experiencing an opioid overdose:
- 106 (1) While at a unit;
107 (2) While at a technical college system sponsored activity;
108 (3) While under the supervision of technical college system personnel; or
109 (4) Before or after normal unit activities.
- 110 (f) Any technical college system personnel who in good faith administers or chooses not
111 to administer an opioid antagonist pursuant to this Code section shall be immune from civil
112 liability or professional discipline for any act or omission to act related to the
113 administration of an opioid antagonist, except that such immunity shall not apply to an act
114 of willful or wanton misconduct.
- 115 (g) Neither civil liability nor professional discipline shall accrue to technical college
116 system personnel and no civil liability shall accrue to the technical college system or any

117 unit of such system due to the removal or misuse of an opioid antagonist or antagonists;
118 provided, however, that immunity shall not apply to an act of willful or wanton
119 misconduct."

120 **PART II.**
121 **SECTION 2-1.**

122 Code Section 31-2A-20 of the Official Code of Georgia Annotated, relating to accessibility
123 to opioid antagonists in government buildings and courthouses, guidelines and training, and
124 limitations on liability, is amended by revising subsection (a) as follows:

125 "(a) As used in this Code section, the term:

126 (1) 'Automated external defibrillator' shall have the same meaning as set forth in Code
127 Section 31-11-53.1.

128 (2) 'Courthouse' means a building occupied by judicial courts and containing rooms in
129 which judicial proceedings are held, provided that such building contains an automated
130 external defibrillator.

131 (3) 'Government entity' means any state board, commission, agency, or department, or
132 the governing authority of any county, municipality, or consolidated government, but
133 such term shall not include local school systems, public schools, charter schools, ~~or~~
134 ~~university buildings~~ the University System of Georgia, or the Technical College System
135 of Georgia.

136 (4) 'Opioid antagonist' shall have the same meaning as set forth in Code Section
137 26-4-116.2.

138 (5) 'Opioid related overdose' shall have the same meaning as set forth in Code Section
139 26-4-116.2.

140 (6) 'Qualified government building' means a building in which a government entity is
141 housed or meets in its official capacity, including the portion occupied by a government
142 entity of any building that is not publicly owned, provided that such building contains an
143 automated external defibrillator, but such term shall not include a university building.

144 (7) 'University building' means any building which forms a part of the University System
145 of Georgia, including any college or university under the government, control, and
146 management of the Board of Regents of the University System of Georgia, or any
147 building under the control of the State Board of the Technical College System of
148 Georgia."

149 **PART III.**

150 All laws and parts of laws in conflict with this Act are repealed.