

SENATE BILL REPORT

E2SHB 1956

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 21, 2024
Ways & Means, February 26, 2024

Title: An act relating to fentanyl and other substance use prevention education.

Brief Description: Addressing fentanyl and other substance use prevention education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Griffey, Ryu, Couture, Ramel, Slatter, Reed, Ormsby, Barnard, Callan, Timmons, Kloba, Cheney, Doglio, Paul, Berg, Lekanoff, Reeves, Riccelli, Wylie, Hackney, Pollet and Shavers; by request of Office of the Governor).

Brief History: Passed House: 2/9/24, 97-0.

Committee Activity: Early Learning & K-12 Education: 2/15/24, 2/21/24 [DP-WM].
Ways & Means: 2/24/24, 2/26/24 [DPA].

Brief Summary of Amended Bill

- Directs the Department of Health to develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic.
- Tasks the Office of the Superintendent of Public Instruction (OSPI) with developing and updating age-appropriate substance use prevention and awareness materials for school and classroom use aligned with the statewide campaign.
- Requires OSPI to adjust the state health and physical education learning standards for middle and high school students to add opioids to the list of drugs included in drug-related education.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Monica Fontaine (786-7341)

Background: Substance Abuse Information and Requirements. Each educational service district (ESD) must develop and maintain the capacity to offer training for educators and other school district staff on certain topics including indicators of possible substance abuse, violence, and youth suicide.

Each school district is required to adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students such as possible substance abuse violence, youth suicide, and sexual abuse. The plan must include specified components including how staff should respond to warning signs, partnering with community organizations, protocols for communicating with parents and guardians, and how to respond in a crisis situation.

Recently enacted legislation has addressed communicating information about substance abuse and other resources to students in public schools.

In 2021 public schools were required to publish on their website home pages the contact information for organizations specializing in:

- suicide prevention or crisis intervention;
- depression, anxiety, or counseling;
- eating disorders;
- substance abuse; and
- a mental health referral service for children and teens.

In 2023 the Legislature directed the Department of Health (DOH) to post and periodically revise information about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition.

Within existing resources, school districts, charter schools, state-tribal compact schools, and ESDs that maintain a website must post a prominent link on their district and school homepages to the DOH information.

The 2023-25 operating budget directed the Health Care Authority (HCA) to conduct:

- an opioid awareness campaign including a focus on youth;
- a media campaign for Native Americans related to the prevention of substance abuse and suicide; and
- a health promotion and education campaign with a focus on synthetic drug supplies, including fentanyl, and accurate harm reduction messaging for communities, law enforcement, emergency responders, and others.

State Learning Standards. The Office of the Superintendent of Public Instruction (OSPI) must develop and revise state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on four basic education learning goals established by the Legislature. OSPI has adopted learning standards for 14 content areas, including health and physical education. These learning standards were last updated in 2016 and are organized into six core ideas. One of the core ideas is substance use and abuse prevention.

Summary of Amended Bill: Statewide Prevention and Awareness Campaign. DOH must develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic. The campaign must:

- educate the public about the dangers of methamphetamines and opioids, including fentanyl;
- include outreach to both youth and adults;
- include messaging focused on substance use disorder and overdose death prevention, resources for addiction treatment and services, and information on immunity for people who seek medical assistance in a drug overdose situation, in consultation with HCA; and
- focus on increasing the awareness on the dangers of fentanyl and other synthetic opioids for the 2024 and 2025 campaigns.

Beginning June 30, 2025, DOH must submit an annual report to the Legislature on the content and distribution of the statewide campaign that:

- includes a summary of the messages distributed during the campaign, the mediums through which the campaign was operated, and data on how many individuals received information;
- identifies measurable benchmarks to determine the effectiveness of the campaign; and
- makes recommendations for the continuation or modification of the campaign.

School and Classroom Materials. OSPI must collaborate with DOH, HCA, other state agencies, and ESDs, to develop age-appropriate substance use prevention and awareness

materials for school and classroom use. Through July 1, 2026, these materials must include the lethality of fentanyl and other opioids in coordination with the statewide campaign, and then be periodically updated to align with the statewide campaign through July 1, 2029.

OSPI must actively distribute the materials and strongly encourage the incorporation of these materials in classrooms, as well as in family and community communications.

State Learning Standards. By December 1, 2025, OSPI must adjust the state health and physical education learning standards for middle and high school students to add opioids to the list of drugs in drug-related education. OSPI must also update the school and classroom materials to reflect the adjusted learning standards.

Short Title. This act may be known and cited as the Lucas Petty Act.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Removes the expiration date for the statewide drug overdose prevention and education campaign.
- Directs DOH to identify measurable benchmarks to determine the effectiveness of the campaign and make recommendations for continuation or modification of the campaign.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Early Learning & K-12 Education): PRO: Opioid overdose deaths are surging and impacting youth and their families. Parents who have lost their children and students say they have no idea about the dangers of fentanyl. Youth are more susceptible to these dangers because they may be experimenting with drugs. Families need resources to have important conversations about this issue, and schools should be the place to help these conversations happen. This education will save students' lives and will be built into education that is already happening. Fentanyl is an addressable crisis.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Mari Leavitt, Prime Sponsor; Danica Noble, Washington State PTA; Salim Nice, Mayor, City Mercer Island; Kiran Parhar; Luis Garcia; Emma Potra; Maddy Thompson, Governor's Office; Maria Trujillo-Petty; Scott Phillips, MD, Washington Poison Center; Mikhail

Cherniske, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):

PRO: Jarred-Michael Erickson, Confederated Tribes of the Colville Reservation; Chris Buresh, M.D., Seattle Children's Hospital; Olga Davidov; Debby Herbert; Mercedes White Calf, NAYA Action Fund; Scott Waller, Washington Association for Substance misuse and Violence Prevention (WASAVP).

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.*

PRO: Education for parents and youth will save lives. Youth are dying from fentanyl poisoning, they aren't seeking fentanyl. It's everywhere and in everything. Youth feel invincible and like they know it all. Mandatory education is crucial. It only takes one hit, one piece of a pill. This bill will provide families and youth with the education they need to prevent these deaths. The fentanyl crisis is a high priority for the Governor, and prevention is a big part of that strategy. Youth need to be aware that other drugs that may not be safe or not lethal may be laced with fentanyl. Washingtonians overdose on fentanyl everyday, including an increasing number of children. This epidemic has three components: prevention, overdose, and treatment. Education is the common thread. Fentanyl poisoning is a leading cause of death for people aged 18-45. This crisis warrants mandatory education. This bill builds upon a history of success where alcohol, cannabis, and tobacco use has decreased among youth. Youth want this education and to hear it from trusted sources. They don't want to learn it because of the death of a friend or loved one. This bill has a sunset, and it should instead have a group of benchmarks where funding is provided as long as benchmarks are being met.

Persons Testifying (Ways & Means): PRO: Maria Trujillo-Petty, Classy Chassis; Maddy Thompson, Office of the Governor; Scott Phillips, MD, Washington Poison Center; Laura Lynch; Scott Waller, Washington Association for Substance misuse and Violence Prevention (WASAVP).

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.