

117TH CONGRESS
2D SESSION

H. R. 8968

To allow States and local educational agencies to use unspent COVID–19 elementary and secondary school emergency relief funds to purchase life-saving opioid antagonists and to provide related training and education to students and teachers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2022

Mr. LAMBORN (for himself, Mr. BANKS, Mr. GROTHMAN, Mrs. HARTZLER, Mr. JACKSON, Mr. BABIN, Mr. DONALDS, Mr. MOORE of Alabama, Mr. ISSA, Mr. PFLUGER, Mr. NORMAN, Mr. NEGUSE, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To allow States and local educational agencies to use unspent COVID–19 elementary and secondary school emergency relief funds to purchase life-saving opioid antagonists and to provide related training and education to students and teachers.

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 “Protecting Kids from
5 Fentanyl Act”.

1 **SEC. 2. ADDITIONAL FUNDS FOR OPIOID ANTAGONISTS**
2 **AND RELATED TRAINING AND EDUCATION.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, a State or local educational agency that has
5 received funds under an ESSERF program may, in lieu
6 of the original requested or authorized use for such funds,
7 use a portion, or all, of the unexpended funds to carry
8 out one or more of the following activities:

9 (1) Purchase naloxone or other opioid antago-
10 nists.

11 (2) Provide training to school nurses, teachers,
12 school administrators, and school resource officers
13 on how to administer naloxone or other opioid an-
14 tagonists.

15 (3) Provide fentanyl awareness classes or mate-
16 rials to students.

17 (b) LIMITATIONS ON SECRETARIAL AUTHORITY.—
18 The Secretary of Education shall not—

19 (1) require the use of funds under subsection
20 (a) to be in response to, or in any way connected
21 with, COVID–19; or

22 (2) prevent or discourage a State or local edu-
23 cational agency from using ESSERF program funds
24 to carry out any of the activities authorized under
25 subsection (a).

1 (c) RULE OF CONSTRUCTION.—Nothing in this Act
2 shall be construed to supercede any State law regulating
3 the use of naloxone or other opioid antagonists in schools.

4 (d) DEFINITIONS.—In this section:

5 (1) ESSERF PROGRAM.—The term “ESSERF
6 program” means a program carried out under—

7 (A) section 18003 of the CARES Act (20
8 U.S.C. 3401 note; Public Law 116–136);

9 (B) section 313 of division M of the Con-
10 solidated Appropriations Act, 2021 (Public Law
11 116–260; 134 Stat. 1929); or

12 (C) section 2001 of the American Rescue
13 Plan Act of 2021 (Public Law 117–2; 135 Stat.
14 19).

15 (2) FENTANYL AWARENESS CLASS OR MATE-
16 RIAL.—The term “fentanyl awareness class or mate-
17 rial” means any program, class, or educational ma-
18 terial designed to teach—

19 (A) the dangers of using drugs which may
20 be contaminated with fentanyl;

21 (B) the prevention of drug abuse, including
22 through safe disposal of prescription medica-
23 tions and other safety precautions; and

24 (C) the detection of early warning signs of
25 addiction in school-aged children and youth.

1 (3) OPIOID ANTAGONIST.—The term “opioid
2 antagonist” means a medication approved by the
3 Food and Drug Administration for the purpose of
4 rapidly reversing an opioid overdose.

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