WEST VIRGINIA CODE: §18-5-22D

§18-5-22d. Providing for the maintenance and use of opioid antagonist; administration; notice; indemnity from liability; rules.

(a) A public, private, parochial or denominational school located within this state may possess and maintain at the school a supply of an opioid antagonist for use in emergency medical care or treatment for an adverse opioid event. Opioid antagonists shall be maintained by the school in a secure location which is only accessible by medical personnel and authorized nonmedical personnel and not by students.

(b) A school nurse, as set forth in section twenty-two of this article, is authorized to administer an opioid antagonist to a student, school personnel or a person during regular school hours, at a school function, or at an event on school property when the school nurse medically believes the individual is experiencing an adverse opioid event.

(c) Nonmedical school personnel who have been trained in the administration of an opioid antagonist and who have been designated and authorized by the school to administer the opioid antagonist are authorized to administer an opioid antagonist to a student, school personnel or a person during regular school hours, at a school function, at an event on school property when the authorized and designated nonmedical school personnel reasonably believes, based upon their training, that the individual is experiencing an adverse opioid event.

(d) Prior notice to the parents of a student of the administration of the opioid antagonist is not required. Immediately following the administration of the opioid antagonist, the school shall provide notice to the parent of a student who received the opioid antagonist.

(e) A school nurse or trained and authorized nonmedical school personnel who administer an opioid antagonist as provided in this section is immune from liability for any civil action arising out of an act or omission resulting from the administration of the opioid antagonist unless the act or omission was the result of the school nurse or trained and authorized nonmedical school personnel's gross negligence or willful misconduct.

(f) All county boards of education are required to collect and compile aggregate data on adverse opioid events resulting in the administration of school maintained opioid antagonist in their county during a school year and forward the data to State Superintendent of Schools. The State Superintendent of Schools shall prepare an annual report to be presented to the Joint Committee on Government and Finance as set forth in article three, chapter four of this code, by December 31 of each year.

(g) Nothing in this section requires a public, private, parochial or denominational school located within this state to possess an opioid antagonist. A public, private, parochial or denominational school located within this state or a county board of education is immune

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from liability from any civil action arising from the public, private, parochial or denominational school located within this state not possessing an opioid antagonist in the school.

(h) The State Board of Education, as defined in article two of this chapter, shall consult with the State Health Officer, as defined in section four, article three, chapter thirty of this code, and promulgate rules necessary to effectuate the provisions of this section in accordance with the provisions of article three-b, chapter twenty-nine-a of this code. The rules shall provide, at a minimum, for:

(1) The criteria for selection and minimum requirements of nonmedical school personnel who may administer opioid antagonist following the necessary training;

(2) The training requirements necessary for nonmedical school personnel to be authorized to administer an opioid antagonist;

(3) Training on what constitutes an adverse opioid event;

(4) Storage requirements for maintaining the opioid antagonist within the schools;

(5) Comprehensive notice requirements to the parents of a student who was administered a school maintained opioid antagonist including who administered the antagonist, the rational for administering the antagonist, the approximate time of the administration of the opioid antagonist and any other necessary elements to make the student's parents fully aware of the circumstances surrounding the administration of the antagonist;

(6) Any and all necessary documentation to be kept and maintained regarding receipt, inventory, storage and usage of all opioid antagonist;

(7) Detailed reporting requirements for county boards of education on incidents of use of school maintained opioid antagonist during a school year; and

(8) Any other requirements necessary to fully implement this section.

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