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SENATE BILL NO. 498

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on April 5, 2024)

(Patron Prior to Substitute—Senator Carroll Foy)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-272.1:1, relating to school-connected overdoses; policies relating to parental notification and response; requirements.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-272.1:1 as follows:

§ 22.1-272.1:1. School-connected overdoses; response and prevention; parental notification; requirements.

A. As used in this section:

"Overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.

"School-connected overdose" includes any verified overdose that (i) occurs on school premises during or after regular school hours or (ii) occurs during school-sanctioned activities whether on or off school premises.

B. Each division superintendent or his designee shall notify the parent of each student in the local school division of any school-connected overdose within 24 hours of learning of the overdose. The parental notification shall include as much information as is available at the time on:

1. The cause of the overdose, including the name of the drug and any common street names associated with the drug that caused the overdose; whether the drug was a combination of controlled substances and, if so, the name of those controlled substances; and any identifying features of the drug, including color, markings, and form; and

2. The circumstances surrounding the overdose, including the immediate response to the overdose by any emergency responders and employees of the school board, to the extent that the disclosure of any such information is not prohibited by any applicable law, rule, or regulation relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information.

C. The Board shall establish guidelines for school-connected overdose response and parental notification policies to aid local school boards in the implementation of such policies. The guidelines shall include (i) a model action plan for each school board to follow in responding to any school-connected overdose, including communicating and coordinating with (a) the Department and (b) the applicable law-enforcement liaison or the local law-enforcement agency that, pursuant to § 22.1-280.2:3, employs such school division's school resources officers, and (ii) criteria for issuing the parental notification pursuant to subsection B to ensure sensitivity to the privacy interests of affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information.

D. Each school board shall adopt, implement, and maintain policies consistent with subsection B and the guidelines developed by the Board pursuant to subsection C.