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L.D. 2089, “An Act to Require Schools to Provide Instruction Regarding Prevention of the Illegal Use of Fentanyl and Other Drugs and Drug Poisoning Awareness in Grades 6 to 12 and to Establish Drug Poisoning Awareness Week”

Joint Standing Committee on Education and Cultural Affairs

Wednesday, January 24, 2024

Good afternoon, Senator Rafferty, Representative Brennan, and Members of the Joint Standing Committee on Education and Cultural Affairs:

I am Senator Brad Farrin; and I have the honor of representing the people of District 3, which includes towns in Kennebec, Somerset and Penobscot counties. I am before you today to present L.D. 2089, “An Act to Require Schools to Provide Instruction Regarding Prevention of the Illegal Use of Fentanyl and Other Drugs and Drug Poisoning Awareness in Grades 6 to 12 and to Establish Drug Poisoning Awareness Week.”

I got the idea for this bill from HB 3908, known as “Tucker’s Law” which was passed in the Texas legislature this past year. The bill was set forth by a Texas mother who pushed for this legislation after a tragedy in 2021 in which she lost her son to fentanyl poisoning.

New opioid related legislation is desperately needed to raise awareness of fentanyl poisonings and to promote prevention efforts. Specifically, students and families need to be aware that any drug may contain a deadly level of fentanyl. You cannot see, taste, or smell it. It is almost impossible to tell if another drug is laced with fentanyl unless specifically tested with a fentanyl testing strip. Anything from marijuana, pills, cocaine, heroin, amongst others can be laced with fentanyl. The use of vaping devices within our schools and amongst our teenage children has increased dramatically in recent years. These devices are bad enough in and of themselves, but what is worse is that they are also being used to inhale different forms of unregulated and untested substances. These substances could unknowingly be laced with fentanyl and, in turn, become fatal with just one inhale.

Additionally, as we have heard in recent times, fentanyl is also being marketed to look like candy. We saw the warnings on the television and in the newspapers during Halloween to watch your children’s candy as these new pills appear to be skittles or sweet tarts. Yet in conversations with school teachers and staff in just my local area, many of them had not been educated on these facts nor had they received any training on overdose preparedness.

According to hhs.texas.gov, "Fentanyl is a powerful synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine. Just 2 milligrams of fentanyl, equal to 10 to 15 grains of table salt, is considered a lethal dose." (Texas Health and Human Services, n.d.)

During the 130th Legislature, LD 2152, "*An Act to Permit Naloxone Possession, Prescription, Administration and Distribution in Public and Private Schools*," became law. This new law provided for the stocking, possessing, and administration of Naloxone hydrochloride to students, school staff, and visitors. It also tasked the Maine Department of Education (DOE), in consultation with the Department of Health and Human Services (DHHS), to develop and make available guidelines for the management of an opioid overdose during school, at after-school sponsored activities, and on school grounds. Again, through conversations with school administrators and staff in my district, I have learned that there are teachers and administrators who have never heard of these guidelines nor have they received training on procedures for responding to an opioid overdose. DHHS admittedly reported that this information was handed out to school nurses who chose to attend the meeting. They also indicated that it was the nurse's decision whether or not they brought that information back to their administrators and staff. In my investigation I found, sadly enough, that this information had not been carried back to any of the administrators that I spoke with. I bring this up because we tend to celebrate the victories of passing certain bills, but oftentimes lack action when it comes to the most important part, which is following up and following through to make sure the bills we pass are effectively being implemented in our society. This was a great step; but unfortunately, there was no follow-through.

Today I propose LD 2089, a bill which not only requires the education and training of faculty but goes further to include educating students as well. It will allow our schools to be equipped with the proper tools and training in the event of an opioid overdose. This bill has the potential to save young lives. I am asking you to pass LD 2089 and would humbly request that we all follow through with ensuring the implementation of this incredibly important piece of legislation for the sake of our children.

I have met with the DOE regarding this bill and am open to the following recommendations they offered me, such as adding clarifying language to the Health & Physical Education statute (20A-4723) to include information about the dangers of opioids, and not specifying only fentanyl in the bill language because there will likely be other drugs in the future, and lastly, providing funding for the development of resources and professional learning.

I am open to any suggestions and ideas that any other party may have to improve this legislation and help educate students in our schools about the dangers of these substances to prevent disaster from occurring. One is one too many.

Thank you for your time today.