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Just Say “Yes” to Harm Reduction: AB 19 is a Step in the Right Direction

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Just Say “Yes” to Harm Reduction: AB 19 is a Step in the Right Direction

Griff Ryan-Roberts*

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I. INTRODUCTION

Two days after Christmas, in December 2020, Chris Didier discovered his seventeen-year-old son, Zachary, dead in his bedroom.¹ Zachary had consumed what he thought was a Percocet, a prescription pain pill that is a combination of oxycodone and acetaminophen, that he bought on social media.² However, the pill, although made to look like Percocet, turned out to only contain fentanyl—a synthetic opioid that is much more potent than most other drugs.³ On December 27, 2020, Zachary died after he consumed the “hot pill,” a pill containing fentanyl made to look like another drug.⁴

Unfortunately, Zachary’s story is common.⁵ He became a member of the growing population of California youth who have died from fentanyl-related overdoses.⁶ From 2018 to 2020, fentanyl-related overdose deaths grew by an astonishing 625% for young people ages ten to nineteen.⁷ In 2021, fentanyl caused over eighty percent of the drug-related deaths suffered by California’s youth.⁸ Zachary’s story inspired his neighbor, California Assembly Member Joe Patterson, to introduce AB 19.⁹ AB 19 would require all California public schools to have at least two units of an opioid antagonist on campus and available to administer to someone experiencing an opioid overdose.¹⁰

Some California schools and school districts are already authorized to, and maintain, doses of naloxone on their campus.¹¹ AB 19 would amend the Education Code so all schools that have “a school nurse or trained personnel” would be required to carry units of naloxone.¹² If enacted, AB 19 could potentially prevent

¹ Devlin Barrett, *Poison Pill: How Fentanyl Killed a 17-year-old*, WASH. POST (Nov. 30, 2022), <https://www.washingtonpost.com/national-security/2022/11/30/fentanyl-fake-pills-social-media/> (on file with the *University of the Pacific Law Review*).

² Summer Lin, *More Teenagers Dying from Fentanyl. ‘It Has a Hold on Me, And I Don’t Know Why’*, L.A. TIMES (Nov. 12, 2022), <https://www.latimes.com/california/story/2022-11-12/more-teenagers-are-dying-from-fentanyl> (on file with the *University of the Pacific Law Review*) (explaining the increase in fentanyl being made to look like other types of prescription pills); see generally *Oxycodone and Acetaminophen (Oral Route)*, MAYO CLINIC, <https://www.mayoclinic.org/drugs-supplements/oxycodone-and-acetaminophen-oral-route/description/drg-20074000> (last visited June 17, 2023) (on file with the *University of the Pacific Law Review*) (describing the common uses of Percocet and similar drugs).

³ Barrett, *supra* note 2.

⁴ *Id.*

⁵ Lin, *supra* note 3 (stating that fentanyl deaths among teens “more than doubled” between 2019 and 2020).

⁶ ASSEMBLY COMMITTEE ON EDUCATION, COMMITTEE ANALYSIS AB 19, at 4 (Apr. 12, 2023).

⁷ *Id.*

⁸ Letter from Tony Thurmond, State Superintendent of Pub. Instruction, *Addressing the Fentanyl Crisis Among California Youth*, CAL. DEP’T OF EDUC. (Oct. 27, 2022) [hereinafter Letter from Tony Thurmond].

⁹ ASSEMBLY COMMITTEE ON EDUCATION, COMMITTEE ANALYSIS AB 19, at 3–4 (Apr. 12, 2023).

¹⁰ AB 19, 2023 Leg., 2023–2024 Sess., at 1–2 (Cal. 2022) (as amended on June 22, 2023, but not enacted).

¹¹ Howard Blume, *After String of Teen Overdoses, L.A. School Will Get OD Reversal Drug Naloxone*, L.A. TIMES (Sept. 22, 2022), <https://www.latimes.com/california/story/2022-09-22/l-a-school-district-will-provide-overdose-drug-naloxone-to-campus> (on file with the *University of the Pacific Law Review*) (identifying some of the California school districts that stock naloxone but stating that “widespread use among the state’s more than 1,000 districts appears to be uncommon”).

¹² AB 19, 2023 Leg., 2023–2024 Sess., at 1 (Cal. 2022) (as amended on June 22, 2023, but not enacted).

student overdose deaths while at school.¹³ However, students like Zachary Didier are not always at school when they experience a fentanyl-related overdose.¹⁴

Instead of focusing on the failed prevention methods of the past, California should continue to invest in proven harm reduction methods.¹⁵ Some methods include mental health and social counseling, accurate and usable educational curriculum, and making naloxone widely available.¹⁶ Programs like DARE—which began in the 1980s—attempted to deter youth from using drugs through fear.¹⁷ These scare tactics were largely unsuccessful in preventing drug use.¹⁸ Instead of scaring California’s youth, school systems need to provide them with the necessary tools and resources that reduce the harm drugs can cause.¹⁹ To adequately protect California’s youth from the dangers of synthetic opioids, AB 19 must be amended to provide schools with the resources to invest in proven harm reduction methods.²⁰ Specifically, AB 19 should explicitly provide funding for robust mental health counseling, as well as curriculum programs that emphasize harm reduction principles, in all school districts statewide.²¹ AB 19 should be the first step to protect students like Zachary.²²

¹³ Blume, *supra* note 12.

¹⁴ Barrett, *supra* note 2.

¹⁵ Joe Patterson, *A Three-Pronged Approach to Addressing the Fentanyl Crisis*, GOLD COUNTRY MEDIA (Jan. 25, 2023), <https://goldcountrymedia.com/news/261619/a-three-pronged-approach-to-addressing-the-fentanyl-crisis/> (on file with the *University of the Pacific Law Review*) (outlining Assembly Member Patterson’s approach to combating fentanyl use, which includes increased criminal penalties); *see generally Harm Reduction*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVS. ADMIN., <https://www.samhsa.gov/find-help/harm-reduction> (last visited July 16, 2023) [hereinafter SAMHSA] (on file with the *University of the Pacific Law Review*) (explaining the basics of harm reduction as an approach toward substance abuse and public health).

¹⁶ *Infra* Section IV.B.

¹⁷ German Lopez, *Why Anti-drug Campaigns Like DARE Fail*, VOX (Sept. 1, 2014), <https://www.vox.com/2014/9/1/5998571/why-anti-drug-campaigns-like-dare-fail> (on file with the *University of the Pacific Law Review*) (describing the failure of scare tactics in relation to preventing youth drug use).

¹⁸ Christopher Ingraham, *A Brief History of DARE, the Anti-Drug Program Jeff Sessions Wants to Revive*, WASH. POST (July 12, 2017), <https://www.washingtonpost.com/news/wonk/wp/2017/07/12/a-brief-history-of-d-a-r-e-the-anti-drug-program-jeff-sessions-wants-to-revive/> (on file with the *University of the Pacific Law Review*) (chronicling the history of DARE and the program’s overall ineffectiveness in preventing drug use among youth).

¹⁹ SAMHSA, *supra* note 16 (listing several examples of “harm reduction supplies” and “services”).

²⁰ *Supporting Coalitions in Harm Reduction Services & Approaches for Youth*, CAL. OVERDOSE PREVENTION NETWORK (Feb. 14, 2023), <https://www.phi.org/thought-leadership/case-studies-best-practices-harm-reduction-strategies-to-reduce-youth-overdoses/#support-coalitions> [hereinafter Harm Reduction for Youth] (on file with the *University of the Pacific Law Review*) (lists best practices in youth drug prevention).

²¹ Carolyn Jones, *Education on Fentanyl, Other Drugs Often Optional in California Schools, If Offered at All*, EDSOURCE (Oct. 5, 2022), <https://edsource.org/2022/education-on-fentanyl-other-drugs-often-optional-in-schools-if-offered-at-all/679216> (on file with the *University of the Pacific Law Review*) (describes the lack of drug education and resources in California schools and identifies some successful school programs); *Safety First: Real Drug Education for Teens*, DRUG POL’Y ALL. (Mar. 22, 2023) <https://drugpolicy.org/resource/safety-first/> (providing a harm reduction focused drug education curriculum for youth).

²² *See generally* AB 19, 2023 Leg., 2023–2024 Sess. (Cal. 2022) (as amended on June 22, 2023, but not enacted) (proposing changes to the Education Code).

II. LEGAL BACKGROUND

America’s history of opioid-related overdoses started before the recent increase in fentanyl use.²³ Beginning in the 1990s, doctors began to prescribe opiates more regularly for pain relief.²⁴ Overdose deaths from prescription opioids began to increase in 1999.²⁵ As overdose deaths continued to increase throughout the 2000s, the Drug Enforcement Administration (DEA) began cracking down on doctors overprescribing prescription opioids.²⁶ Many individuals became addicted to these prescription painkillers, but when their prescription ran out or they could not access the pills anymore, they turned to heroin.²⁷ But once drug cartels in Mexico shifted from producing heroin to synthesizing fentanyl and other opioids, addicted individuals were forced to turn to fentanyl as the market changed.²⁸ In 2014, the United States began to see a sharp increase in fentanyl and other synthetic opioid overdose deaths.²⁹

In 2022, DEA laboratory testing found that six out of ten fentanyl-laced fake prescription pills contained a potentially lethal dose of fentanyl.³⁰ In 2011 and 2012, the Centers for Disease Control and Prevention (CDC) found that fentanyl and other synthetic opioids accounted for roughly 2,600 overdose deaths yearly in the United States.³¹ From May 2020 to April 2021, the CDC discovered that over 100,000 Americans died of drug overdoses.³² Synthetic opioids, primarily fentanyl, contributed to sixty-four percent of those deaths.³³

In 2012, California had eighty-two drug overdose deaths attributed to fentanyl.³⁴ By 2021, fentanyl-related drug overdose deaths grew to 6,000.³⁵

²³ *Understanding the Opioid Overdose Epidemic*, CTRS. FOR DISEASE CONTROL & PREVENTION, (June 1, 2022), <https://www.cdc.gov/opioids/basics/epidemic.html> (on file with the *University of the Pacific Law Review*) (providing a history of the opioid epidemic, beginning in 1999).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *The Other Opioid Epidemic*, ASH CLINICAL NEWS, <https://ashpublications.org/ashclinicalnews/news/4706/The-Other-Opioid-Epidemic> (last visited July 16, 2023) (on file with the *University of the Pacific Law Review*).

²⁷ Dana Talesink, *Author Recounts How Opioids Took Hold in America*, NIH REC., LXX, May 18, 2018, at 6 (on file with the *University of the Pacific Law Review*).

²⁸ Courtney Kan et al., *Overview: From Mexican Labs to U.S. Streets, a Lethal Pipeline*, WASH. POST (Dec. 12, 2022), <https://www.washingtonpost.com/investigations/interactive/2022/fentanyl-crisis-mexico-cartel/> (on file with the *University of the Pacific Law Review*).

²⁹ *Comm’n on Combating Synthetic Opioid Trafficking: Final Report*, RAND CORP. (Feb. 8, 2022), <https://www.rand.org/hsrd/hsoac/commission-combating-synthetic-opioid-trafficking.html> (on file with the *University of the Pacific Law Review*).

³⁰ *DEA Laboratory Testing Reveals that 6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl*, DRUG ENF’T ADMIN., <https://www.dea.gov/alert/dea-laboratory-testing-reveals-6-out-10-fentanyl-laced-fake-prescription-pills-now-contain> (last visited Feb. 19, 2023) (on file with the *University of the Pacific Law Review*).

³¹ *Drug Fact Sheet: Fentanyl*, DEP’T OF JUST./DRUG ENF’T ADMIN., (Apr. 2020), https://www.dea.gov/sites/default/files/2020-06/Fentanyl-2020_0.pdf [hereinafter *Drug Fact Sheet: Fentanyl*] (on file with the *University of the Pacific Law Review*).

³² Deidre McPhillips, *Drug Overdose Deaths Top 100,000 Annually for the First Time, Driven by Fentanyl*, CDC Data Show, CNN (Nov. 17, 2021), <https://www.cnn.com/2021/11/17/health/drug-overdose-deaths-record-high/index.html> (on file with the *University of the Pacific Law Review*).

³³ *Id.*

³⁴ Letter from Tony Thurmond, *supra* note 9.

³⁵ *Id.*

Section A describes fentanyl's history and distribution in the United States.³⁶ Section B discusses the history of drug policy in California.³⁷ Section C outlines the ways naloxone is currently distributed to Californians and in schools.³⁸

A. The Deadly Growth of Fentanyl in the United States

Fentanyl is a synthetic opioid that was introduced in the 1960s as an intravenous anesthetic injected directly into the vein.³⁹ Fentanyl—unlike heroin, cocaine, and marijuana—is a synthetic drug that can be created in a lab.⁴⁰ Drug cartels can make significant amounts of fentanyl in smaller, more discreet locations instead of having to grow large quantities of plants.⁴¹ Fentanyl is fifty times more potent than heroin, and, due to its small size, is more accessible to smuggle into the United States than most other drugs.⁴²

Drug dealers often spike other drugs with fentanyl, so users unknowingly become addicted.⁴³ However, this process of cutting became incredibly common.⁴⁴ The ease of access led to a wave of overdoses as, often, drug dealers are unaware of the potency of the doses they are selling.⁴⁵ Since only two milligrams of fentanyl can cause an overdose—a significantly lower amount than most other drugs—unknowing users can easily take too much.⁴⁶ The abundance and extreme lethality of fentanyl ultimately led to the extreme rise of users and deaths California is now seeing.⁴⁷

³⁶ *Infra* Section II.A.

³⁷ *Infra* Section II.B.

³⁸ *Infra* Section II.C.

³⁹ Drug Fact Sheet: Fentanyl, *supra* note 31 (explaining that fentanyl was developed for pain relief and anesthetic purposes in a medical setting).

⁴⁰ Courtney Kan et al., *supra* note 28.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Lin, *supra* note 3 (explaining the increase in fentanyl being made to look like other types of prescription pills).

⁴⁵ Sari Horwitz et al., *Five Down in Apt. 307: Mass Fentanyl Deaths Test a Colorado Prosecutor*, WASH. POST (Dec. 15, 2022), <https://www.washingtonpost.com/investigations/interactive/2022/fentanyl-poisoning-colorado/> (on file with the *University of the Pacific Law Review*).

⁴⁶ Julie Vitkovskaya & Courtney Kan, *Why Is Fentanyl So Dangerous?* WASH. POST (Nov. 3, 2022), <https://www.washingtonpost.com/nation/2022/11/03/fentanyl-opioid-epidemic/> (on file with the *University of the Pacific Law Review*) (explaining that fentanyl is significantly more potent than other pain relief drugs such as morphine).

⁴⁷ *Id.*

B. California’s Drug Prevention History

California’s strategies for addressing drug policy mirrored the rest of the United States in the mid to late twentieth century.⁴⁸ The most common method for combatting illegal drug use focused on criminalization and incarceration.⁴⁹ Out of this focus on law enforcement, drug prevention programs emerged, which sent law enforcement officers into schools.⁵⁰ Subsection 1 discusses the history of the “tough on crime” approach and the law enforcement-developed youth drug prevention program.⁵¹ Subsection 2 details the shift in drug policy from criminalization to a more empathetic approach.⁵² Subsection 3 describes the current methods of naloxone distribution.⁵³

1. California’s “War on Drugs” & “Tough on Crime” Past

In 1983, the Los Angeles Police Department (LAPD) partnered with the Los Angeles Unified School District (LAUSD) to create a drug prevention education program for elementary school children.⁵⁴ The Drug Abuse Resistance Education (DARE) program aimed to teach students to say “no” to their peers who offered them drugs.⁵⁵ DARE soon spread to roughly seventy-five percent of U.S. school districts, including middle and high schools.⁵⁶

Meanwhile, several states enacted “tough on crime” laws, coinciding with the broader War on Drugs.⁵⁷ In California—where DARE began—the state legislature and voters passed the Three Strikes and You’re Out Law in 1994.⁵⁸ As the name suggests, the law allowed prosecutors to recommend a sentence of twenty-five years to life for a third felony if the previous two felony convictions

⁴⁸ See Sarah Brady Siff, *A History of Early Drug Sentences in California: Racism, Rightism, Repeat*, 34 FED. SENT’G REP. 80, 80 (2021) (“Escalations of drug sentences in California from 1881 to 1961 followed a pattern of collective myth making and value signaling, which insisted that opiates, cocaine, and cannabis were extremely dangerous, led to other crime, and prevalently were used and sold by immigrants and other despised groups.”).

⁴⁹ Donna Murch, *Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs*, 102 J. AM. HIST. 162, 163–64 (2015) (on file with the *University of the Pacific Law Review*) (detailing the rise of incarceration and law enforcement in response to the “war on drugs”).

⁵⁰ *The History of D.A.R.E.*, D.A.R.E., <https://dare.org/history/> (last visited July 16, 2023) [hereinafter *History of D.A.R.E.*] (on file with the *University of the Pacific Law Review*).

⁵¹ *Infra* Subsection II.B.1.

⁵² *Infra* Subsection II.B.2.

⁵³ *Infra* Subsection II.B.3.

⁵⁴ *History of D.A.R.E.*, *supra* note 50.

⁵⁵ *Program Profile: Drug Abuse Resistance Education (DARE) (1983-2009)*, CRIME SOLS. (June 3, 2011), <https://crimesolutions.ojp.gov/ratedprograms/99#pd> (on file with the *University of the Pacific Law Review*).

⁵⁶ Ingraham, *supra* note 19.

⁵⁷ Nkechi Taifa, *Race, Mass Incarceration, and the Disastrous War on Drugs*, BRENNAN CTR. FOR JUST. (May 10, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/race-mass-incarceration-and-disastrous-war-drugs> (on file with the *University of the Pacific Law Review*) (explaining the history of U.S. drug policy—beginning in the 1970s—which focused on criminalization and incarceration for drug users and traffickers); James P. Lynch & William J. Sabol, *Did Getting Tough on Crime Pay? Crime Policy Report No. 1*, URB. INST. (2012), <https://www.urban.org/sites/default/files/publication/70411/307337-Did-Getting-Tough-on-Crime-Pay-.pdf> (on file with the *University of the Pacific Law Review*) (stating “over 30 states passed mandatory penalties for drug offenses”).

⁵⁸ Mia Bird et al., *Three Strikes in California*, CAL. POL’Y LAB (Aug. 2022) <https://www.capolicylab.org/wp-content/uploads/2022/08/Three-Strikes-in-California.pdf>, (on file with the *University of the Pacific Law Review*); *History of D.A.R.E.*, *supra* note 51 (detailing D.A.R.E.’s start in Los Angeles).

were violent or serious crimes.⁵⁹ This law created longer prison sentences for repeat felony offenders.⁶⁰ The third felony did not need to be serious or violent to receive the enhanced sentence.⁶¹ California state prison inmates who received a third-strike were far more likely to enter prison with a substance abuse problem.⁶²

2. California Evolves to a More Empathetic Approach

Although DARE grew in popularity throughout the 1980s—garnering bipartisan support nationally—it began to receive criticism in the 1990s.⁶³ Several research studies found that the DARE program had no measurable impact on youth drug use.⁶⁴ DARE often used scare tactics to frighten youth into the negatives of drug use, which proved to be ineffective.⁶⁵ Additionally, DARE preached abstinence-only drug prevention and provided no risk reduction strategies if youth chose to use drugs.⁶⁶ In 2009, DARE shifted its curriculum to focus less on the dangers of drugs, and more on smart decision-making skills.⁶⁷ This new program—keepin’ it REAL (kiR)—has shown some evidence that it can reduce youth drug use.⁶⁸ In at least one study, students participating in the kiR program showed a lower likelihood of using substances.⁶⁹ This shift is attributed to focusing more on decision-making and risk assessment skills than being anti-drug.⁷⁰

⁵⁹ Partnership Staff, *California “Three Strikes” Law Imprisons Many with Substance Abuse Problems*, P’SHIP TO END ADDICTION (Oct. 2012), <https://drugfree.org/drug-and-alcohol-news/california-three-strikes-law-imprisons-many-with-substance-abuse-problems/> [hereinafter Partnership to End Addiction] (on file with the *University of the Pacific Law Review*).

⁶⁰ *Drug Laws in California*, SAN DIEGO ADDICTION TREATMENT CTR., <https://sdtreatmentcenter.com/california-treatment/drug-laws/> (last visited June 17, 2023) (on file with the *University of the Pacific Law Review*).

⁶¹ Partnership to End Addiction, *supra* note 60.

⁶² Marisa Lagos & Ryan Gabrielson, *Drug Rehab Called Key to Avoid 3rd Strike*, S.F. GATE (Sept. 29, 2012), <https://www.sfgate.com/crime/article/Drug-rehab-called-key-to-avoid-3rd-strike-3906024.php> (on file with the *University of the Pacific Law Review*).

⁶³ Jim Newton, *DARE Marks a Decade of Growth and Controversy: Youth: Despite Critics, Anti-Drug Program Expands Nationally. But Some See Declining Support in LAPD*, L.A. TIMES (Sept. 9, 1993), <https://www.latimes.com/archives/la-xpm-1993-09-09-mn-33226-story.html> (on file with the *University of the Pacific Law Review*).

⁶⁴ Ingraham, *supra* note 19.

⁶⁵ *Using Fear Messages and Scare Tactics in Substance Abuse Prevention Efforts*, SUBSTANCE ABUSE AND MENTAL HEALTH SERV. ADMIN. CTR. FOR THE APPLICATION OF PREVENTION TECHS. (Jan. 25, 2016) (on file with the *University of the Pacific Law Review*); *Scare Tactics in Prevention*, PREVENTION ACTION ALL., <https://preventionactionalliance.org/learn/about-prevention/scare-tactics-in-prevention/> (last visited Aug. 4, 2023) (on file with the *University of the Pacific Law Review*) (describing the reasons scare tactics do not work on youth is that teens are “hardwired to defend against negative messaging,” teens often take more risks, and “scare tactics can send unintended messages”).

⁶⁶ Mike Ludwig, *Goodbye DARE—More Schools are Embracing Realistic Drug Education*, SALON (Oct. 26, 2019), https://www.salon.com/2019/10/26/goodbye-dare-more-schools-are-embracing-realistic-drug-education_partner/ (on file with the *University of the Pacific Law Review*).

⁶⁷ Amy Nordrum, *The New D.A.R.E. Program—This One Works*, SCI. AM. (Sept. 10, 2014), <https://www.scientificamerican.com/article/the-new-d-a-r-e-program-this-one-works/> (on file with the *University of the Pacific Law Review*).

⁶⁸ Ingraham, *supra* note 19.

⁶⁹ Nordrum, *supra* note 68.

⁷⁰ *Id.*

In 2014, California voters passed the Reduced Penalties for Some Crimes Initiative—also known as Proposition 47 (Prop 47).⁷¹ This law downgrades most drug possession offenses to a misdemeanor instead of a felony.⁷² A reduction in drug-related felonies means fewer inmates in state prisons.⁷³ Prop 47 requires that sixty-five percent of the money saved from housing fewer inmates in prison be distributed to local governments, specifically for mental health and substance use treatment.⁷⁴

Around \$200 million has been distributed to local communities through Prop 47 as of 2022.⁷⁵ Roughly ninety-five percent of the grantees who receive Prop 47 funds offer substance use treatment.⁷⁶ Three percent of the funds have gone directly to school districts, and sixty-nine percent have gone to county behavioral health departments that provide substance abuse services.⁷⁷

C. Accessing Naloxone

Currently, several school districts in the state maintain doses of naloxone on campus.⁷⁸ However, Assembly Member Patterson believes some districts lack the funding or motivation to begin stocking naloxone without help or direction from the State.⁷⁹ While some school districts are worried about cost, others may not see fentanyl as a significant risk in their community.⁸⁰ Since AB 19 is not a state-mandated local program, it would not require the state of California to reimburse local schools and school districts for maintaining two doses of naloxone.⁸¹

California distributes Narcan through its Naloxone Distribution Project, administered by the Department of Health Care Services (DHCS).⁸² The DHCS distributes Narcan to qualified organizations, such as clinics, schools, and churches

⁷¹ *Program Profile: The Impact of California’s Proposition 47 (The Reduced Penalties for Some Crimes Initiative) on Recidivism*, CRIME SOLS. (Nov. 29, 2021), <https://crimesolutions.ojp.gov/ratedprograms/740#pd> [hereinafter Prop. 47 Program Profile] (on file with the *University of the Pacific Law Review*).

⁷² *Id.*

⁷³ Paige St. John, *Prop. 47 Would Cut Penalties for 1 in 5 Criminals in California*, L.A. TIMES (Oct. 11, 2014), <https://www.latimes.com/local/politics/la-me-ff-pol-proposition47-20141012-story.html> (on file with the *University of the Pacific Law Review*).

⁷⁴ Prop 47, Program Profile, *supra* note 72.

⁷⁵ Maureen Washburn, *Proposition 47: A \$600 Million Lifeline to California Communities*, CTR. ON JUV. & CRIM. JUST. (Mar. 2022), https://www.cjcj.org/media/import/documents/prop_47_a_600_million_dollar_lifeline_to_california_communities.pdf (on file with the *University of the Pacific Law Review*) (detailing that the main distribution channel of Prop 47 funds “has awarded approximately \$200 million to its Prop 47 grantees”).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Mackenzie Mays, *Narcan Could Be Required at California Schools After Youth Fentanyl Overdoses*, L.A. TIMES (Dec. 8, 2022), <https://www.latimes.com/california/story/2022-12-08/narcan-could-be-required-at-california-schools-after-spate-of-youth-fentanyl-overdoses> (on file with the *University of the Pacific Law Review*).

⁷⁹ *Id.*

⁸⁰ Videoconference Interview with Liz Ortega, Assemb. Member, Cal. Assemb. (June 6, 2023) (on file with the *University of the Pacific Law Review*) (explaining some pushback to the requirement from districts that view the risk as low); Mays, *supra* note 79 (explaining the State of California is facing a potential budget deficit).

⁸¹ AB 19, 2023 Leg., 2023–2024 Sess. (Cal. 2022) (as amended on June 22, 2023, but not enacted).

⁸² *Naloxone Distribution Project: Frequently Asked Questions*, DEP’T OF HEALTH CARE SERVS. (Apr. 2023), <https://www.dhcs.ca.gov/Documents/CSD/NDP-FAQs-04-2023.pdf> (on file with the *University of the Pacific Law Review*).

that can distribute it to their communities.⁸³ In Spring 2023, The Food and Drug Administration (FDA) approved Narcan for sale over the counter.⁸⁴ As of late summer 2023, retail stores began carrying naloxone for over-the-counter purchase.⁸⁵

III. AB 19

Assembly Member Joe Patterson introduced AB 19 to “save the lives of children who are being poisoned by [fentanyl].”⁸⁶ AB 19 requires California public schools with designated “school nurse[s] or trained personnel” to maintain at least two units of an opioid antagonist.⁸⁷ This bill would amend Section 49414.3 of the Education Code.⁸⁸ Under existing law, public schools are authorized to maintain doses of naloxone on campus, but not required.⁸⁹

AB 19 requires applicable schools to maintain two units of an opioid antagonist, defined as “naloxone hydrochloride or another drug approved by the [FDA].”⁹⁰ Naloxone hydrochloride, the most common opioid antagonist, comes in two forms that can be administered without formal medical training: a nasal spray or an injectable solution.⁹¹ Under current law, each school can designate single or multiple volunteers who will administer naloxone to someone experiencing, or appearing to experience, an opioid overdose.⁹² Superintendents of each school district ensure that volunteers’ training meets specific standards.⁹³ These standards include how to identify common symptoms of an opioid overdose, procedures for storing and using naloxone, post-naloxone administration procedures, and the necessity of CPR.⁹⁴ Beyond the requirement for two units of naloxone, AB 19 does not propose any structural changes to the existing law.⁹⁵

⁸³ *Id.*

⁸⁴ Jan Hoffman, *F.D.A. Approves Narcan for Over-the-Counter Sales*, N.Y. TIMES (Mar. 29, 2023), <https://www.nytimes.com/2023/03/29/health/narcan-over-the-counter.html> (on file with the *University of the Pacific Law Review*).

⁸⁵ *Id.*; *Naloxone*, CVS, <https://www.cvs.com/content/prescription-drug-abuse/save-a-life> (last visited Aug. 4, 2023) (on file with the *University of the Pacific Law Review*) (describing the process for purchasing naloxone at a major retail pharmacy).

⁸⁶ Patterson, *supra* note 16.

⁸⁷ AB 19, 2023 Leg., 2023–2024 Sess., at 1 (Cal. 2022) (as amended on June 22, 2023, but not enacted).

⁸⁸ *Id.*

⁸⁹ CAL. EDUC. CODE § 49414.3 (West 2017).

⁹⁰ AB 19, 2023 Leg., 2023–2024 Sess. (Cal. 2022) (as amended on June 22, 2023, but not enacted).

⁹¹ *Lifesaving Naloxone*, CTRS. FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/stopoverdose/naloxone/index.html> (last visited May 23, 2023) (on file with the *University of the Pacific Law Review*).

⁹² CAL. EDUC. § 49414.3.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ AB 19, 2023 Leg., 2023–2024 Sess. (Cal. 2022) (as amended on June 22, 2023, but not enacted).

IV. ANALYSIS

Both federal and state governments are using harm reduction strategies to address the growing opioid epidemic.⁹⁶ The focus on harm reduction seems to coincide with the broader belief that U.S. drug policy during the “War on Drugs” failed.⁹⁷ Section A discusses how, if enacted, AB 19 would show that California is moving away from the failed drug policies of the past.⁹⁸ Section B describes some of the ways AB 19 could go further, by supporting other harm reduction solutions.⁹⁹

A. AB 19 Signifies a Shift in Drug Policy

AB 19 moves away from the failed drug abstinence efforts of the past.¹⁰⁰ Instead, AB 19 tackles the issue of fentanyl-related overdoses from a harm reduction perspective.¹⁰¹ As the name suggests, harm reduction focuses on getting individuals to progress toward reducing the harmful effects of drug use.¹⁰² By requiring schools to carry naloxone, AB 19 acknowledges that youth experiment with and use drugs.¹⁰³ If youth are going to take drugs, having naloxone nearby reduces the harm of an overdose, likely making it non-fatal.¹⁰⁴

Additionally, if schools are required to keep naloxone on-site, it shows institutional support for reducing the stigma around substance use.¹⁰⁵ For too long, abstinence-only programs characterized the decision to use drugs as a moral failing on the part of the individual.¹⁰⁶ “Just Say No” was popularized by First Lady Nancy

⁹⁶ See generally *President Biden Calls for Increased Funding to Address Addiction and the Overdose Epidemic*, WHITE HOUSE (Mar. 28, 2022), <https://www.whitehouse.gov/ondcp/briefing-room/2022/03/28/president-biden-calls-for-increased-funding-to-address-addiction-and-the-overdose-epidemic/> (on file with the *University of the Pacific Law Review*) (outlining Biden administration plan that includes investment in harm reduction); see *Governor Newsom Releases Master Plan for Tackling the Fentanyl and Opioid Crisis*, OFF. OF GOVERNOR GAVIN NEWSOM (Mar. 20, 2023), <https://www.gov.ca.gov/2023/03/20/master-plan-for-tackling-the-fentanyl-and-opioid-crisis/> (on file with the *University of the Pacific Law Review*) (detailing Newsom administration plan “prioritizing harm reduction strategies”).

⁹⁷ Brian Mann, *After 50 Years of the War on Drugs, ‘What Good Is It Doing For Us?’*, NPR (June 17, 2021), <https://www.npr.org/2021/06/17/1006495476/after-50-years-of-the-war-on-drugs-what-good-is-it-doing-for-us> (on file with the *University of the Pacific Law Review*) (describes the recent shift away from criminalization policies at both the state and federal level, due to increased evidence that criminalization of drug users has not reduced drug use).

⁹⁸ *Infra* Section IV.A.

⁹⁹ *Infra* Section IV.B.

¹⁰⁰ Michael McGrath, *Nancy Reagan and the Negative Impact of the ‘Just Say No’ Anti-Drug Campaign*, GUARDIAN (Mar. 8, 2016), <https://www.theguardian.com/society/2016/mar/08/nancy-reagan-drugs-just-say-no-dare-program-opioid-epidemic> (on file with the *University of the Pacific Law Review*) (arguing that campaigns like “Just Say No” failed to have any effect on drug use).

¹⁰¹ Harm Reduction for Youth, *supra* note 21.

¹⁰² Nina Rose Fischer, *School-based Harm Reduction with Adolescents: A Pilot Study*, 17 SUBSTANCE ABUSE TREATMENT PREVENTION POL’Y 79, 79 (Dec. 12, 2022), <https://substanceabusepolicy.biomedcentral.com/articles/10.1186/s13011-022-00502-1#citeas> (on file with the *University of the Pacific Law Review*).

¹⁰³ Harm Reduction for Youth, *supra* note 21.

¹⁰⁴ Rachael Rzasa Lynn & JL Galinkin, *Naloxone Dosage for Opioid Reversal: Current Evidence and Clinical Implications*, 9 THERAPEUTIC ADVANCES IN DRUG SAFETY 63, 63 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5753997/> (on file with the *University of the Pacific Law Review*).

¹⁰⁵ SAMHSA, *supra* note 16

¹⁰⁶ McGrath, *supra* note 101.

Reagan in the 1980s.¹⁰⁷ It simplified the decision to take drugs as a binary choice, without regard for any other significant factors that may lead someone to use drugs.¹⁰⁸ AB 19 demonstrates to youth that school officials and society care more about saving lives than making moral judgments.¹⁰⁹

B. Continue Investing in Harm Reduction Solutions

Harm reduction is becoming increasingly accepted as an appropriate means to deal with drug use.¹¹⁰ However, it is not as widely implemented in dealing with youth drug use.¹¹¹ The methods that have been successful with adults can also work for youth.¹¹² Subsection 1 explains that youth can reduce risks when solutions are tailored to their needs.¹¹³ Subsection 2 describes that when provided accurate information, youth can make informed and potentially less risky decisions around substance use.¹¹⁴ Subsection 3 explores making naloxone available outside the school and its potential to lead to fewer fentanyl-related overdose deaths.¹¹⁵

1. One Size Does Not Fit All

Law enforcement officers often delivered the DARE curriculum to students.¹¹⁶ These officers would be trained in the curriculum and provide seventeen lessons, primarily lectures, with little discussion.¹¹⁷ But greater numbers of studies are finding that youth need to be more involved in school substance abuse programming.¹¹⁸ Youth experience with substance use can vary greatly depending on a wide variety of factors, such as geographic, cultural, and

¹⁰⁷ See generally Nancy Reagan, *Just Say No*, SCH. SAFETY (1986), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/just-say-no> (on file with the *University of the Pacific Law Review*).

¹⁰⁸ McGrath, *supra* note 100.

¹⁰⁹ The Learning Network, *How Teens Think Adults Should Talk to Them About Drugs*, N.Y. TIMES (Dec. 1, 2022), <https://www.nytimes.com/2022/12/01/learning/how-teens-think-adults-should-talk-to-them-about-drugs.html> (on file with the *University of the Pacific Law Review*) (sharing guidance from teens on the best ways to approach conversations on drug use).

¹¹⁰ Carla K. Johnson, *Biden Drug Control Plan Stresses Harm Reduction, Treatment*, AP (Apr. 21, 2022), <https://apnews.com/article/biden-science-health-medication-congress-e97c2b7ffb5bd8f79a8a1277a6b56588> (on file with the *University of the Pacific Law Review*) (explaining the Biden administration's use of harm reduction theory).

¹¹¹ Damon Barrett et al., *Child-Centered Harm Reduction*, 109 INT'L J. OF DRUG POL'Y, (Nov. 2022) (on file with the *University of the Pacific Law Review*).

¹¹² SAMHSA, *supra* note 16 (listing several examples of "harm reduction supplies" and "services").

¹¹³ *Infra* Subsection III.B.1.

¹¹⁴ *Infra* Subsection III.B.2.

¹¹⁵ *Infra* Subsection III.B.3.

¹¹⁶ *Drug Abuse Resistance Education (D.A.R.E.) Fact Sheet*, BUREAU OF JUST. ASSISTANCE (Sept. 1995), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/drug-abuse-resistance-education-dare-fact-sheet> (on file with the *University of the Pacific Law Review*).

¹¹⁷ History of D.A.R.E., *supra* note 51.

¹¹⁸ Emily K. Jenkins et al., *Developing Harm Reduction in the Context of Youth Substance Use: Insights from a Multi-site Qualitative Analysis of Young People's Harm Minimization Strategies*, 14 HARM REDUCTION J. (2017) (on file with the *University of the Pacific Law Review*).

socioeconomic.¹¹⁹ A more tailored harm reduction strategy can be developed by determining why individual youth use substances.¹²⁰

Just as abstinence-only sexual education is ineffective for youth, so is abstinence-only drug education.¹²¹ Proponents of abstinence-only education argue that any other form of education may condone the behavior.¹²² But this strategy has proven ineffective and leaves youth without the knowledge of ways to reduce risk if they decide to take drugs.¹²³ With fentanyl-related overdoses rising, returning to abstinence-only strategies would likely only increase the number of lives lost to fentanyl-related overdoses.¹²⁴

Harm reduction moves away from the simplistic strategy of “Just Say No” to drugs to examine all the factors that go into an individual’s decision to use drugs.¹²⁵ Harm reduction recognizes that an individual’s life experiences and more significant systemic issues greatly influence one’s decisions to use substances.¹²⁶ To address these issues, schools need comprehensive counseling services for students, not just threats of suspension or punishment.¹²⁷ Wellness centers—where students can receive comprehensive social and mental health services from trained counselors—have proven effective in reducing reported drug use among youth.¹²⁸ AB 19 should include a provision advocating for more funding for schools to implement these harm reduction services.¹²⁹

¹¹⁹ *Id.*

¹²⁰ Harm Reduction for Youth, *supra* note 21.

¹²¹ *Abstinence-Only Education Is a Failure*, COLUMBIA MAILMAN SCH. OF PUB. HEALTH (Aug. 22, 2017), <https://www.publichealth.columbia.edu/news/abstinence-only-education-failure> (on file with the *University of the Pacific Law Review*) (describing the failures of abstinence-only sex education to reduce sexual activity or risky sexual behaviors).

¹²² Maia Szalavitz, *How to Talk to Kids About Drugs in the Age of Fentanyl*, N.Y. TIMES (Nov. 8, 2022), <https://www.nytimes.com/2022/11/08/opinion/fentanyl-teens.html> (on file with the *University of the Pacific Law Review*).

¹²³ Sasha Simon, *Stop Teaching Drug Abstinence: Just Say No to the Era of Just Say No*, N.Y. DAILY NEWS (Oct. 14, 2019), <https://www.nydailynews.com/opinion/ny-20191014-gqjuxtvoyva4joialspra4hkry-story.html> (comparing the failure of abstinence only education in both youth drug use and sex education).

¹²⁴ Letter from Tony Thurmond, *supra* note 9 (detailing the growing epidemic of fentanyl-related deaths for California’s youth).

¹²⁵ Fischer, *supra* note 103.

¹²⁶ *Id.*

¹²⁷ Jones, *supra* note 21.

¹²⁸ *Id.*

¹²⁹ *Id.* (explaining that California schools lack comprehensive drug education and resources and highlighting successful harm reduction services).

2. Inform with Accuracy, Not Fear

DARE and other programs like it attempted to use scare tactics and frighten youth into not using drugs.¹³⁰ But studies have proven this strategy unsuccessful for preventing substance use.¹³¹ Youth often do not respond to exaggerated horror stories.¹³² Many want the truth regarding the risks associated with drugs.¹³³

Fentanyl is dangerous, especially if ingested without the user's knowledge.¹³⁴ But the dangers of specific drugs were lost under programs like DARE.¹³⁵ DARE exaggerated the adverse effects of drugs like marijuana.¹³⁶ Although marijuana use causes adverse health effects, such effects are much less severe than other drugs, like opiates or cocaine.¹³⁷ Instead of informing students of the differences and actual risks of individual drugs, they were told to abstain or "Just Say No."¹³⁸ This left students without accurate information to assess the risks if they decided to use drugs.¹³⁹

Organizations like Drug Policy Alliance are attempting to change how drug education is taught in schools.¹⁴⁰ Their curriculum, "Safety First: Real Drug Education for Teens," uses harm reduction principles to educate youth about factual information and risk-reducing strategies when dealing with drugs.¹⁴¹ The curriculum teaches that abstinence from drugs is the safest decision for youth health and safety.¹⁴² But the lessons do not stop there.¹⁴³ Students are also taught the risks and effects of the most common drugs they will encounter.¹⁴⁴ New York City and San Francisco piloted Safety First's program in their high schools.¹⁴⁵ The pilot program was independently evaluated and showed that students gained new skills in critical thinking, "decision-making[,] and goal setting" in relation to

¹³⁰ Szalavitz, *supra* note 123.

¹³¹ *Using Fear Messages and Scare Tactics in Substance Abuse Prevention Efforts*, SUBSTANCE ABUSE AND MENTAL HEALTH SERV. ADMIN. CTR. FOR THE APPLICATION OF PREVENTION TECHS., (Jan. 25, 2016) (on file with the *University of the Pacific Law Review*).

¹³² The Learning Network, *supra* note 110.

¹³³ *Id.* (sharing guidance from teens on the best ways to approach conversations on drug use).

¹³⁴ Drug Fact Sheet: Fentanyl, *supra* note 32.

¹³⁵ Lopez, *supra* note 18.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ McGrath, *supra* note 100.

¹³⁹ *Id.*

¹⁴⁰ Katelyn Newman, *A Different Dose of Drug Education*, U.S. NEWS & WORLD REP. (Nov. 14, 2019), <https://www.usnews.com/news/healthiest-communities/articles/2019-11-14/high-school-drug-curriculum-includes-harm-reduction-emphasis> (on file with the *University of the Pacific Law Review*).

¹⁴¹ *Safety First: Real Drug Education for Teens*, DRUG POL'Y ALL. (Mar. 22, 2023), <https://drugpolicy.org/resource/safety-first/> [hereinafter *Safety First: Real Drug Education*] (on file with the *University of the Pacific Law Review*).

¹⁴² Newman, *supra* note 140.

¹⁴³ *Safety First*, STANFORD MED., https://med.stanford.edu/halpern-felsher-reach-lab/preventions-interventions/Safety-First.html#curriculum_lessons (last visited July 16, 2023) (on file with the *University of the Pacific Law Review*).

¹⁴⁴ *Id.* (providing individual lessons for different forms of drugs).

¹⁴⁵ *Safety First: Real Drug Education*, *supra* note 141.

substance use.¹⁴⁶ Safety First is a freely available to any school that wishes to implement, making it a cost-effective solution.¹⁴⁷ AB 19 should include a provision to require harm reduction curriculum—like Safety First—to be taught in schools.¹⁴⁸

3. Make Naloxone Available in More Places

While programs like Drug Policy Alliance are effective, the reality is that some students will continue to use synthetic opioids and therefore need the resources to prevent an overdose.¹⁴⁹ Thus, AB 19 is a significant first step since it requires naloxone to be available at schools with nurses or trained personnel.¹⁵⁰ Having naloxone on campus could likely save young lives.¹⁵¹ However, the reality is that many young people are not at school when they experience a fentanyl-related overdose.¹⁵² Zachary Didier—the young man who inspired the introduction of AB 19—was not at school when he died.¹⁵³ To further reduce youth fentanyl-related deaths, naloxone must be available outside the classroom.¹⁵⁴

Since Narcan—a brand of the nasal spray form of naloxone—is now approved for over-the-counter sale, distribution to the public should be much easier.¹⁵⁵ As almost 80 percent of opioid-related overdose deaths happen away from a medical professional or a clinical setting, it is imperative that the public has access to naloxone when needed.¹⁵⁶ Several communities nationwide are making Narcan available to the public in vending machines.¹⁵⁷ These vending machines,

¹⁴⁶ Fischer, *supra* note 102, at 87.

¹⁴⁷ Safety First: Real Drug Education, *supra* note 141.

¹⁴⁸ Fischer, *supra* note 102, at 87 (recommending the implementation and study of the Safety First curriculum across more schools).

¹⁴⁹ Safety First: Real Drug Education, *supra* note 141 (outlines the benefits of the Safety First curriculum); Letter from Tony Thurmond, *supra* note 8 (describes the significant increase in the number of youth fentanyl overdoses in California).

¹⁵⁰ AB 19, 2023 Leg., 2023–2024 Sess. (Cal. 2022) (as amended on June 22, 2023, but not enacted).

¹⁵¹ Summer Lin & Richard Winton, ‘I Think We Were Failed’: Family Mourns Girl Who Died of Possible Fentanyl Overdose at Hollywood School, L.A. TIMES (Sept. 16, 2022), <https://www.latimes.com/california/story/2022-09-16/this-pill-is-poison-family-mourns-girl-who-died-of-possible-fentanyl-overdose-at-hollywood-school> (on file with the *University of the Pacific Law Review*) (detailing the recent fentanyl overdose death of a 15-year-old while at school).

¹⁵² Lin, *supra* note 2 (chronicling youth fentanyl overdose deaths, some which happened at home or other locations).

¹⁵³ *Id.*

¹⁵⁴ Harm Reduction for Youth, *supra* note 20 (identifying naloxone as an “essential” harm reduction practice for young people who are at risk of overdose).

¹⁵⁵ Hoffman, *supra* note 84.

¹⁵⁶ See *How to Administer Naloxone*, AM. MED. ASS’N, <https://www.ama-assn.org/delivering-care/overdose-epidemic/how-administer-naloxone> (last visited July 16, 2023) (on file with the *University of the Pacific Law Review*) (explaining that during one week in Seattle, 16 of the 27 overdose victims whose lives were saved with naloxone “had it administered by a friend, relative or bystander”).

¹⁵⁷ Evan Casey, *Milwaukee County Will Place Vending Machines Filled With Free Narcan, Fentanyl Test Strips Throughout Community*, WIS. PUB. RADIO (Mar. 13, 2023), <https://www.wpr.org/milwaukee-county-vending-machines-free-narcan-fentanyl-test-strips-opioid-overdose> (on file with the *University of the Pacific Law Review*); L.B. Gilbert, *Narcan Vending Machines in King Co. Show Signs of Success 1 Year In*, MYNORTHWEST (Apr. 17, 2023), <https://mynorthwest.com/3876368/narcan-vending-machines-king-co-signs-success-one-year->

which offer Narcan for free, can be placed in public spaces, so they are available whenever necessary.¹⁵⁸ These vending machines can be placed in areas—where youth traffic is high—such as libraries, community centers, malls, etc.¹⁵⁹ Although vending machine programs are relatively new, some early signs of success exist.¹⁶⁰

King County—in Washington State—has seen more than 13,000 kits of Narcan distributed to the public in just the first year of the program.¹⁶¹ After the first six months of the program, “almost 40% of those who used the vending machines had not carried naloxone before...”¹⁶² This means the vending machines are successful in getting naloxone into the hands of more individuals, who in turn, can save more lives.¹⁶³ Therefore, AB 19 must be amended to explicitly provide funding for Narcan vending machines in California’s school districts.¹⁶⁴ Further, since students like Didier experienced an overdose while not on campus, AB 19 should enable schools—the bedrock of our communities—to conduct public outreach programs to other public institutions in an effort to install vending machines there as well.¹⁶⁵

V. CONCLUSION

Fentanyl poses new, more severe risks for youth who consume drugs.¹⁶⁶ California youth are increasingly dying from fentanyl-related overdoses.¹⁶⁷ Young people need access to life-saving medication to attempt to slow down or even stop future deaths from happening.¹⁶⁸ Luckily, this medication exists in the form of naloxone.¹⁶⁹ If AB 19 is enacted, it will potentially prevent the deaths of young people throughout the state.¹⁷⁰

But policymakers should not stop at just one harm-reduction strategy.¹⁷¹ Therefore, AB 19 must be amended to include a provision that supports funding for mental and social health services.¹⁷² Also, AB 19 should require that drug education curriculum taught in schools focus on harm reduction skills and

in/ (on file with the *University of the Pacific Law Review*); Britny Eubank, *New Narcan Vending Machine Installed Outside Cenote on East Cesar Chavez*, KVUE ABC (Mar. 16, 2023), <https://www.kvue.com/article/news/community/narcan-vending-machine-cenote-east-cesar-chavez/269-4d432137-30f0-44f2-875a-5af646dcd334> (on file with the *University of the Pacific Law Review*).

¹⁵⁸ Eubank, *supra* note 157.

¹⁵⁹ Casey, *supra* note 157.

¹⁶⁰ Gilbert, *supra* note 157.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.* (explains that after the first six months of the vending machines being installed, “almost 40% of those who used the vending machines had not carried naloxone before”).

¹⁶⁵ Casey, *supra* note 157 (explains that Milwaukee County hopes to place the vending machines at “community organizations, churches, libraries and even restaurants”).

¹⁶⁶ Kan et al., *supra* note 28.

¹⁶⁷ Letter from Tony Thurmond, *supra* note 8.

¹⁶⁸ Mays, *supra* note 78.

¹⁶⁹ *Id.*

¹⁷⁰ Patterson, *supra* note 15.

¹⁷¹ Harm Reduction for Youth, *supra* note 20.

¹⁷² Jones, *supra* note 21.

techniques.¹⁷³ Finally, AB 19 should contain language that supports schools in working with other public and youth-focused organizations to install naloxone vending machines throughout communities.¹⁷⁴ With some effort and investments, California will be able to slow the tragedy of fentanyl-related overdoses among its young people.¹⁷⁵

¹⁷³ Newman, *supra* note 140.

¹⁷⁴ Casey, *supra* note 157.

¹⁷⁵ Harm Reduction for Youth, *supra* note 20.