



Why the Rainbow Fentanyl Trend Might Lead You to Stock Naloxone (Narcan) in Your School

Insights

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Right before the start of this school year, the DEA issued a warning regarding “rainbow fentanyl,” which, as the name suggests, is a brightly colored form of the opioid said to resemble candy or sidewalk chalk – and has the potential to be more attractive to school-age children. This unwanted development, which may unfortunately lead to greater incidents of overdose on school campuses, is just one of the reasons why many schools are starting to consider stocking their shelves with naloxone, commonly known as Narcan. What do you need to know about this latest development – and what do you need to know about this weapon you should consider adopting?

The Rise of Rainbow Fentanyl

Rainbow fentanyl was initially thought to be part of a “deliberate effort by drug traffickers to drive addiction amongst kids and young adults,” but experts pushing back on this have stated that there is little to no evidence of such. According to drug experts, drug dealers use colors and other markers to distinguish products from one another, and any publicized instances of rainbow fentanyl pills found in toy boxes turned out to be efforts to conceal the drug, not market it to young people.

However, even though drug traffickers may have figured out that young children don’t make for great customers (given they typically do not have reliable access to cash), concerns are rising about young children unknowingly consuming the rainbow fentanyl. Middle and high school students have reportedly had their curiosity piqued by the colorful drug.

Most parents of young children would probably agree that brightly colored sidewalk chalk or sweet tart looking “candy” certainly risk being consumed by their kiddos if found lying around a home or elsewhere. And teens and young adults are attracted not only by rainbow fentanyl’s colorful appearance but also by its intense, short-term high and temporary euphoria.

Beyond this newest trend, students unknowingly consume fentanyl when it is cut into oxycodone, Vicodin, marijuana, and other drugs not uncommon to this demographic. Drug traffickers make inexpensive fentanyl look just like the more expensive drugs, which equates to more money in their pockets.

And as we’re all aware now, only a tiny amount of fentanyl – think grains of salt – can harm or cause a person to overdose. It’s because of this that the DEA has deemed fentanyl the “deadliest drug

threat” facing the country – and we shouldn’t anticipate the scourge subsiding anytime soon. Indeed, in the four-month period from May 23 through September 8, 2022, law enforcement authorities seized more than 10.2 million fentanyl pills and roughly 980 pounds of fentanyl.

Fentanyl’s Rise Has Led to Narcan’s Popularity

Narcan – the brand name of the drug naloxone – is commonly known as an “opioid antagonist” and has exploded in popularity due to its potential to rescue those who have overdosed. This potentially life-saving drug is designed to quickly counteract an opioid or fentanyl overdose and, critically, it has minimal side effects if administered to someone who is not in fact overdosing on opioids.

It is also simple to administer as a nasal spray similar to those used for seasonal allergies. The catch is that naloxone needs to be administered very quickly after an overdose – making access to it critical. Naloxone is commonly carried by first responders so that they can administer rapid aid and save lives. But now, it is becoming more common in other settings – including school campuses.

Should Your School Stock Narcan?

Colleges and universities are on the cutting edge of combatting fentanyl’s death statistics by strategically placing Narcan around campuses for quick and easy access. Higher education quickly figured out that simply stocking Narcan in health clinics was not enough. Efforts to raise awareness of its availability, while also training college students how and when to use it, are becoming increasingly common.

Now K-12 schools all over the country are wondering what they can do to keep their school communities safe. Specifically, schools have asked if they can acquire, store, and if necessary, administer Narcan.

According to the Legislative Analysis and Public Policy Association, all 50 states and the District of Columbia have some form of naloxone access law on their books, with many laws providing for civil and criminal immunity for both prescribers and administrators of the drug. The requirements in place to obtain and administer naloxone vary state-to-state.

In Texas, for example, pharmacists may dispense naloxone without a prescription under a standing order, and people who are in a “position to assist a person” who is at risk of overdosing may receive and administer naloxone. However, many states have specific provisions authorizing schools, school employees, or certain authorized school agents to receive and administer naloxone. There are also a number of states with proposed or pending legislation relating to schools stocking naloxone.

What Does the Future Hold?

We anticipate that K-12 Narcan will be stocked and administered on campuses similarly to the way many states allow schools to stock epi-pens and rescue inhalers for asthma. Schools will need to

determine the best locations on their campuses, buses, and other facilities. Keep in mind that state laws often include, among other things, specific requirements relating to how the medication is stored, training for employees, policy implementation, and reporting when the medication is dispensed.

Because of the state-to-state variance, if your school is interested in naloxone and has questions about acquiring or administering it, please contact your Fisher Phillips attorney.

Conclusion

We will continue to monitor these developments and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Education Practice Group](#).

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