

# Chapter 559

(Senate Bill 815)

AN ACT concerning

## ~~Nonpublic Schools Primary and Secondary Education~~ **Public and Nonpublic Schools – Epinephrine Availability and Use – Policy and Immunity**

FOR the purpose of authorizing nonpublic schools in the State to establish a policy to authorize certain school personnel to administer auto-injectable epinephrine to certain students under certain circumstances; requiring ~~a certain policy~~ certain policies to include certain information; ~~providing that a nonpublic school and certain school personnel have certain immunity from civil liability~~ providing that certain nurses and certain school personnel may not be held personally liable for certain acts or omissions except in certain circumstances; defining certain terms; and generally relating to an epinephrine availability and use policy in ~~nonpublic~~ schools of primary and secondary education in the State.

BY repealing and reenacting, with amendments,

Article – Education

Section 7-426.2

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Education

Section 7-426.3

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Education**

7-426.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Anaphylaxis” means a sudden, severe, and potentially life-threatening allergic reaction that occurs when an individual is exposed to an allergen.

(3) “Auto-injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(b) Each county board shall establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer auto-injectable epinephrine, if available, to a student who is determined to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7-426.1 of this subtitle; or

(2) Has a prescription for epinephrine as prescribed by an authorized licensed health care practitioner under the Health Occupations Article.

(c) The policy established under subsection (b) of this section shall include:

(1) Training for school personnel on how to recognize the ~~SIGNS AND~~ symptoms of anaphylaxis ~~BY A LICENSED HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE AND WHO HAS BEEN TRAINED IN AN ESTABLISHED PROTOCOL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS;~~

(2) Procedures for the emergency administration of auto-injectable epinephrine;

(3) The proper follow-up emergency procedures; [and]

(4) A provision authorizing a school nurse to obtain and, ~~SCHOOL PERSONNEL TO~~ store, at a public school auto-injectable epinephrine to be used in an emergency situation; AND

~~(5) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.~~

(5) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS OF THE SCHOOL’S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH SCHOOL YEAR.

(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION

**MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.**

**[(d)] (E)** (1) Each public school shall submit, on the form that the Department requires, a report to the Department on each incident at the school or at a related school event that required the use of auto-injectable epinephrine.

(2) The Department shall develop and disseminate a standard form to report each incident requiring the use of auto-injectable epinephrine at a public school.

**7-426.3.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.**

**(3) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.**

**(4) “SCHOOL PERSONNEL” MEANS INDIVIDUALS WHO ARE EMPLOYED BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING NURSE, AND ADMINISTRATIVE STAFF.**

**(B) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING SCHOOL PERSONNEL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO BE OR PERCEIVED TO BE IN ANAPHYLAXIS, REGARDLESS OF WHETHER THE STUDENT:**

**(1) HAS BEEN IDENTIFIED AS HAVING AN ANAPHYLACTIC ALLERGY, AS DEFINED IN § 7-426.1 OF THIS SUBTITLE; OR**

**(2) HAS A PRESCRIPTION FOR EPINEPHRINE AS PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE.**

(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) TRAINING FOR SCHOOL PERSONNEL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS BY A LICENSED ~~MEDICAL PROFESSIONAL~~ HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE AND WHO HAS BEEN TRAINED IN AN ESTABLISHED PROTOCOL ~~OR MEDICAL TECHNICIAN~~ ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS;

(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES; ~~AND~~

(4) A PROVISION AUTHORIZING ~~SCHOOL PERSONNEL~~ A SCHOOL NURSE OR OTHER LICENSED HEALTH CARE PRACTITIONER TO OBTAIN AND, SCHOOL PERSONNEL TO STORE, AT A ~~PUBLIC~~ NONPUBLIC SCHOOL AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION; ~~AND~~

(5) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH SCHOOL YEAR; AND

~~(5)~~ (6) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

~~(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A NONPUBLIC SCHOOL AND SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.~~

(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

**Approved by the Governor, May 16, 2013.**