

HOUSE BILL 1014

F1

(3lr1977)

ENROLLED BILL

— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by **Delegate Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Nonpublic Schools~~ **Public and Nonpublic Schools – Epinephrine Availability**
3 **and Use – Policy ~~and Immunity~~**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Education
 3 Section 7–426.2
 4 Annotated Code of Maryland
 5 (2008 Replacement Volume and 2012 Supplement)

6 BY adding to
 7 Article – Education
 8 Section 7–426.3
 9 Annotated Code of Maryland
 10 (2008 Replacement Volume and 2012 Supplement)

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

13 **Article – Education**

14 7–426.2.

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

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

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

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

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

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

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

31 (1) Training for school personnel on how to recognize the ~~SIGNS AND~~
 32 symptoms of anaphylaxis ~~BY A LICENSED HEALTH CARE PRACTITIONER WHO IS~~
 33 ~~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 AND~~

(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; ~~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 PUBLIC SCHOOL, A SCHOOL NURSE, AND OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION ARE 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, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ~~(5)~~ (6) AN ONGOING PROCESS FOR OVERSIGHT AND
10 MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE
11 IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF
12 THIS SECTION.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.