

# SENATE BILL 815

F1

(3lr2927)

## ENROLLED BILL

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

Introduced by **Senator Shank**

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.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Nonpublic Schools Primary and Secondary Education~~ **Public and Nonpublic**  
3 **Schools – Epinephrine Availability 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 nonpublic school and~~  
8 ~~certain school personnel have certain immunity from civil liability~~ **providing**  
9 **that certain nurses and certain school personnel may not be held personally**  
10 **liable for certain acts or omissions** except in certain circumstances; defining  
11 certain terms; and generally relating to an epinephrine availability and use  
12 policy in ~~nonpublic~~ schools **of primary and secondary education** in the State.

13 **BY repealing and reenacting, with amendments,**  
14 **Article – Education**

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

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

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

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

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

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

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

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

25   **7-426.3.**

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

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

31           (3)   **“AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE,**  
32 **DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE**

1 DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN  
2 EMERGENCY SITUATION.

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

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

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

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

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

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

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

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

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

33 (5) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP  
34 AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF

1 STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING  
2 OF EACH SCHOOL YEAR; AND

3 (5) (6) AN ONGOING PROCESS FOR OVERSIGHT AND  
4 MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE  
5 IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF  
6 THIS SECTION.

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.