

# SENATE BILL 815

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CF HB 1014

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By: **Senator Shank**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2013

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

1 AN ACT concerning

2 ~~Nonpublic Schools~~ **Primary and Secondary Education – Epinephrine**  
3 **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

15 Section 7-426.2

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2012 Supplement)

18 BY adding to

19 Article – Education

20 Section 7-426.3

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2012 Supplement)

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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.



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

3 **Article – Education**

4 7-426.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **7-426.3.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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