

# HOUSE BILL 136

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(PRE-FILED)

2lr1005  
CF 2lr1004

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By: **Delegates Kerr and Johnson**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public and Nonpublic Schools – Seizure Action Plans**  
3 **(Brynleigh’s Act)**

4 FOR the purpose of requiring a county board of education and authorizing a nonpublic  
5 school, beginning in a certain school year, to require a certain number of school  
6 personnel at the school to be trained in certain seizure recognition and response  
7 methods; requiring a public school, beginning in a certain school year, to provide  
8 training with a certain frequency to school personnel with direct contact and  
9 supervision of students on certain seizure recognition and response methods;  
10 requiring the State Department of Education and the Maryland Department of  
11 Health, in consultation with a certain entity and stakeholders, to develop guidelines  
12 and a training program for school personnel on the health care needs of a student  
13 diagnosed with a seizure disorder; requiring the parent or guardian of a student  
14 diagnosed with a seizure disorder to collaborate with school personnel to create a  
15 seizure action plan and provide the school with certain information; requiring the  
16 State Department of Education, in collaboration with the Maryland Department of  
17 Health, to ensure health guidelines include certain information on seizures; and  
18 generally relating to responding to seizure symptoms and emergencies in schools in  
19 the State.

20 BY adding to  
21 Article – Education  
22 Section 7–450  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2021 Supplement)

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

27 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-450.

2 (A) IN THIS SECTION, "SEIZURE ACTION PLAN" MEANS A WRITTEN  
3 INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR  
4 THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

5 (B) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A COUNTY BOARD  
6 SHALL REQUIRE AT LEAST TWO SCHOOL PERSONNEL AT EACH PUBLIC SCHOOL TO  
7 BE TRAINED IN:

8 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

9 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A  
10 SEIZURE; AND

11 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
12 ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE  
13 RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER  
14 SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND  
15 MANUAL VAGUS NERVE STIMULATION.

16 (2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE  
17 BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH  
18 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.

19 (3) A SCHOOL NURSE MAY SERVE AS ONE OF THE TRAINED SCHOOL  
20 PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

21 (4) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS  
22 SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE  
23 ISSUED BY THE DEPARTMENT.

24 (C) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A PUBLIC SCHOOL  
25 SHALL PROVIDE TRAINING EVERY 2 YEARS TO ADMINISTRATORS, FACULTY,  
26 THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS,  
27 CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT  
28 CONTACT AND SUPERVISION OF STUDENTS ON:

29 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;  
30 AND

31 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A

1 SEIZURE.

2 (2) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF  
3 HEALTH, IN CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND  
4 OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP GUIDELINES AND A  
5 TRAINING PROGRAM FOR SCHOOL PERSONNEL ON THE HEALTH CARE NEEDS OF A  
6 STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

7 (D) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC  
8 SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:

9 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

10 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A  
11 SEIZURE; AND

12 (III) ADMINISTERING OR ASSISTING WITH THE  
13 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION  
14 PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.  
15 FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

16 (2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE  
17 BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH  
18 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.

19 (3) A SCHOOL NURSE MAY SERVE AS ONE OF THE TRAINED SCHOOL  
20 PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

21 (E) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A  
22 SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO CREATE A  
23 SEIZURE ACTION PLAN.

24 (2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND  
25 DEPARTMENT OF HEALTH, SHALL ENSURE:

26 (I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID  
27 PROCEDURES; AND

28 (II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.

29 (3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:

30 (I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN

1 ADMINISTRATOR; AND

2 (II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER  
3 RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A  
4 SEIZURE DISORDER.

5 (F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A  
6 SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:

7 (I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL  
8 EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION  
9 AT SCHOOL;

10 (II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED  
11 PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND

12 (III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH  
13 CARE PRACTITIONER THAT INCLUDES:

- 14 1. THE STUDENT'S NAME;
- 15 2. THE NAME AND PURPOSE OF THE MEDICATION;
- 16 3. THE PRESCRIBED DOSAGE;
- 17 4. THE ROUTE OF ADMINISTRATION;
- 18 5. THE FREQUENCY THAT THE MEDICATION MAY BE  
19 ADMINISTERED; AND
- 20 6. THE CIRCUMSTANCES UNDER WHICH THE  
21 MEDICATION MAY BE ADMINISTERED.

22 (2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A  
23 SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE  
24 DISORDER SYMPTOMS SHALL BE:

25 (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS  
26 SUBMITTED; AND

27 (II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF  
28 THIS SUBSECTION ARE FULFILLED.

1           **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**  
2 **OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO A STUDENT**  
3 **EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH**  
4 **THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE**  
5 **COURSE OF RESPONDING TO THE SITUATION.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2022.