

SENATE BILL 989

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2lr2968

By: **Senator Mathias**

Introduced and read first time: February 16, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Administration of Auto–Injectable Epinephrine**

3 FOR the purpose of requiring each county board of education to establish a policy to
4 authorize certain school personnel to administer auto–injectable epinephrine to
5 certain students under certain circumstances; requiring a certain policy to
6 include certain information; providing that a certain policy may authorize a
7 school nurse to obtain and store at a public school auto–injectable epinephrine
8 for certain purposes; requiring certain public schools to submit a certain report
9 to the State Department of Education; requiring the Department to develop and
10 disseminate a certain standard form; granting certain immunity to certain
11 individuals under certain circumstances; defining certain terms; and generally
12 relating to an epinephrine availability and use policy in public schools.

13 BY adding to

14 Article – Education

15 Section 7–426.2

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2011 Supplement)

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

20 **Article – Education**

21 **7–426.2.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 **(B) EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC**
9 **SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND**
10 **OTHER SCHOOL PERSONNEL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE,**
11 **IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO BE OR PERCEIVED TO BE**
12 **IN ANAPHYLAXIS, REGARDLESS OF WHETHER THE STUDENT:**

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

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

18 **(C) (1) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS**
19 **SECTION SHALL INCLUDE:**

20 **(I) TRAINING FOR SCHOOL PERSONNEL ON HOW TO**
21 **RECOGNIZE THE SYMPTOMS OF ANAPHYLAXIS;**

22 **(II) PROCEDURES FOR THE EMERGENCY ADMINISTRATION**
23 **OF AUTO-INJECTABLE EPINEPHRINE; AND**

24 **(III) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES.**

25 **(2) THE POLICY MAY INCLUDE A PROVISION AUTHORIZING A**
26 **SCHOOL NURSE TO OBTAIN AND STORE AT A PUBLIC SCHOOL AUTO-INJECTABLE**
27 **EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.**

28 **(D) (1) EACH PUBLIC SCHOOL SHALL SUBMIT, ON THE FORM THAT**
29 **THE DEPARTMENT REQUIRES, A REPORT TO THE DEPARTMENT ON EACH**
30 **INCIDENT AT THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRED**
31 **THE USE OF AUTO-INJECTABLE EPINEPHRINE.**

1 **(2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE A**
2 **STANDARD FORM TO REPORT EACH INCIDENT REQUIRING THE USE OF**
3 **AUTO-INJECTABLE EPINEPHRINE AT A PUBLIC SCHOOL.**

4 **(E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL**
5 **NURSE OR ANY OTHER SCHOOL PERSONNEL WHO ADMINISTERS**
6 **AUTO-INJECTABLE EPINEPHRINE TO A STUDENT WHO IS DETERMINED TO BE OR**
7 **PERCEIVED TO BE IN ANAPHYLAXIS IN GOOD FAITH IN ACCORDANCE WITH THIS**
8 **SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE**
9 **COURSE OF RESPONDING TO THE STUDENT'S ANAPHYLAXIS OR PERCEIVED**
10 **ANAPHYLAXIS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2012.