

HOUSE BILL 1014

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3lr1977
CF SB 815

By: **Delegate Stein**

Introduced and read first time: February 8, 2013

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 2013

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 except in certain
11 circumstances; defining certain terms; and generally relating to an epinephrine
12 availability and use policy in ~~nonpublic~~ schools of primary and secondary
13 education in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–426.2
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2012 Supplement)

19 BY adding to
20 Article – Education
21 Section 7–426.3
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2012 Supplement)

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) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND**
2 **IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF**
3 **STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING**
4 **OF EACH SCHOOL YEAR; AND**

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

9 **(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A PUBLIC**
10 **SCHOOL, A SCHOOL NURSE, AND OTHER SCHOOL PERSONNEL WHO RESPOND IN**
11 **GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE**
12 **WITH THIS SECTION ARE IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR**
13 **OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.**

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

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

20 **7-426.3.**

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

23 **(2) "ANAPHYLAXIS" MEANS A SUDDEN, SEVERE, AND**
24 **POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN**
25 **AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.**

26 **(3) "AUTO-INJECTABLE EPINEPHRINE" MEANS A PORTABLE,**
27 **DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE**
28 **DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN**
29 **EMERGENCY SITUATION.**

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

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

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

7 **(2) HAS A PRESCRIPTION FOR EPINEPHRINE AS PRESCRIBED BY**
8 **AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH**
9 **OCCUPATIONS ARTICLE.**

10 **(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS**
11 **SECTION SHALL INCLUDE:**

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

18 **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF**
19 **AUTO-INJECTABLE EPINEPHRINE;**

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

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

25 **(5) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP**
26 **AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF**
27 **STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING**
28 **OF EACH SCHOOL YEAR; AND**

29 **~~(5)~~ (6) AN ONGOING PROCESS FOR OVERSIGHT AND**
30 **MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE**
31 **IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF**
32 **THIS SECTION.**

33 **(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A**
34 **NONPUBLIC SCHOOL AND SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH**

1 TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS
2 SECTION ARE IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE
3 COURSE OF RESPONDING TO THE REACTION.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.