

# HOUSE BILL 136

F1

(2lr1005)

## ENROLLED BILL

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

Introduced by Delegates Kerr and Johnson, Johnson, Boteler, Buckel, Charles, Ebersole, Griffith, Hartman, Lisanti, Long, and Rose

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.

\_\_\_\_\_  
Speaker.

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

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 school nurse or an individual designated by the~~  
7 ~~school nurse to receive professional development training~~ *certain number of school*  
8 *personnel at the school to be trained* in certain seizure recognition and response  
9 methods; requiring a ~~public school a certain individual~~ *a public school*, beginning in  
10 a certain school year, to ~~provide training~~ *require certain school personnel to make a*  
11 *certain presentation* with a certain frequency to school personnel with direct contact  
12 and supervision of students ~~on certain seizure recognition and response methods;~~  
13 requiring the State Department of Education and the Maryland Department of  
14 Health, in consultation with a certain entity and stakeholders, to develop guidelines

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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 and a training program for *certain* school personnel ~~on the health care needs of a~~  
 2 ~~student diagnosed with a seizure disorder~~; requiring the parent or guardian of a  
 3 student diagnosed with a seizure disorder to collaborate with school personnel to  
 4 create a seizure action plan and provide the school with certain information;  
 5 requiring the State Department of Education, in collaboration with the Maryland  
 6 Department of Health, to ensure health guidelines include certain information on  
 7 seizures; and generally relating to responding to seizure symptoms and emergencies  
 8 in schools in the State.

9 BY adding to

10 Article – Education

11 Section 7–450

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Education**

17 **7–450.**

18 (A) IN THIS SECTION, “SEIZURE ACTION PLAN” MEANS A WRITTEN  
 19 INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR  
 20 THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

21 (B) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A COUNTY BOARD  
 22 SHALL REQUIRE ~~EACH PUBLIC SCHOOL TO DESIGNATE~~ AT LEAST TWO SCHOOL  
 23 PERSONNEL ~~AT EACH PUBLIC SCHOOL TO BE TRAINED, WHO ARE EITHER SCHOOL~~  
 24 ~~NURSES OR INDIVIDUALS DESIGNATED BY A SCHOOL NURSE, LISTED UNDER~~  
 25 ~~PARAGRAPH (2) OF THIS SUBSECTION, SUBJECT TO PARAGRAPH (2) OF THIS~~  
 26 ~~SUBSECTION, AT EACH PUBLIC SCHOOL TO COMPLETE A PAID PROFESSIONAL~~  
 27 ~~DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR IN-PERSON, IN:~~

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

29 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A  
 30 SEIZURE; AND

31 (III) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,~~  
 32 ~~ADMINISTERING ADMINISTERING~~ IF WRITTEN AUTHORIZATION IS GIVEN BY A  
 33 PARENT OR GUARDIAN UNDER SUBSECTION (G) OF THIS SECTION, ADMINISTERING  
 34 OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE RESCUE  
 35 MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS

1 APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS  
2 NERVE STIMULATION.

3 ~~(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE~~  
4 ~~BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH~~  
5 ~~SELF ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~

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

8 ~~(4) (2) TRAINING UNDER THIS SUBSECTION SHALL INCLUDE~~  
9 ~~TRAINING IN THE GUIDELINES DEVELOPED BY THE DEPARTMENT AND THE~~  
10 ~~MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (D) OF THIS SECTION.~~

11 (2) (I) A SCHOOL NURSE, CERTIFIED NURSING ASSISTANT, OR  
12 CERTIFIED MEDICATION TECHNICIAN SHALL SERVE AS ONE OF THE TRAINED  
13 SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

14 (II) AN INDIVIDUAL DESIGNATED WHO IS RECOMMENDED BY  
15 THE SCHOOL NURSE OR OTHER SCHOOL HEALTH PRACTITIONER OR A VOLUNTEER  
16 AND WHO VOLUNTEERS MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL  
17 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

18 (3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS  
19 SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE  
20 ISSUED BY THE DEPARTMENT.

21 (C) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A PUBLIC SCHOOL  
22 SHALL ~~PROVIDE TRAINING EVERY 2 YEARS TO ADMINISTRATORS, FACULTY,~~  
23 ~~THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS,~~  
24 ~~CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT~~  
25 ~~CONTACT AND SUPERVISION OF STUDENTS ON, EVERY 2 YEARS, DESIGNATE AN~~  
26 ~~INDIVIDUAL TRAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION TO~~  
27 ~~PRESENT AN ABRIDGED VERSION OF SEIZURE RESPONSE BEST PRACTICES, BASED~~  
28 ~~ON THE GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION,~~  
29 ~~REQUIRE AN INDIVIDUAL TRAINED UNDER SUBSECTION (B) OF THIS SECTION TO,~~  
30 ~~EVERY 2 YEARS, PRESENT TO PRESENT, EVERY 2 YEARS, TO ALL SCHOOL PERSONNEL~~  
31 ~~WITH WHO HAVE DIRECT CONTACT AND SUPERVISION OF STUDENTS AN ABRIDGED~~  
32 ~~VERSION OF THE BEST PRACTICES FOR SEIZURE RESPONSE, BASED ON THE SCHOOL~~  
33 ~~HEALTH SERVICES GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS~~  
34 ~~SECTION, INCLUDING:~~

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

1 (II) ~~APPROPRIATE STEPS FOR~~ PROCEDURES FOR NOTIFYING  
 2 THE SCHOOL PERSONNEL TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

3 ~~(2) SCHOOL PERSONNEL WHO ARE REQUIRED TO PARTICIPATE IN~~  
 4 ~~THE TRAINING UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR THE~~  
 5 ~~TRAINING IN ACCORDANCE WITH THE SCHOOL PERSONNEL'S HOURLY RATE OF PAY.~~

6 (2) SCHOOL PERSONNEL SHALL ATTEND THE PRESENTATION  
 7 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING PROFESSIONAL  
 8 DEVELOPMENT, A PRESERVICE MEETING, OR A STAFF MEETING.

9 (3) A COUNTY BOARD IS ENCOURAGED TO PROVIDE TO SCHOOL BUS  
 10 DRIVERS AND SCHOOL BUS AIDES:

11 (I) THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF  
 12 THIS SUBSECTION DURING THEIR WORK HOURS; OR

13 (II) THE INFORMATION FROM THE PRESENTATION REQUIRED  
 14 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

15 (D) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH, IN  
 16 CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND OTHER  
 17 INTERESTED STAKEHOLDERS, SHALL DEVELOP SCHOOL HEALTH SERVICES  
 18 GUIDELINES AND A TRAINING PROGRAM FOR THE SCHOOL PERSONNEL UNDER  
 19 SUBSECTION (B) OF THIS SECTION ON THE HEALTH CARE NEEDS MANAGEMENT OF A  
 20 STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

21 ~~(D)~~ (E) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A NONPUBLIC  
 22 SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:

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

24 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A  
 25 SEIZURE; AND

26 (III) ~~ADMINISTERING~~ SUBJECT TO PARAGRAPH (3) OF THIS  
 27 SUBSECTION, ADMINISTERING OR ASSISTING WITH THE  
 28 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION  
 29 PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.  
 30 FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

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

4 ~~(3)~~ (2) A SCHOOL NURSE OR OTHER SCHOOL HEALTH CARE  
5 PRACTITIONER MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL  
6 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7 (3) IN ORDER TO AUTHORIZE SCHOOL PERSONNEL TO ADMINISTER  
8 OR ASSIST IN THE ADMINISTRATION OF SEIZURE MEDICATION, A NONPUBLIC  
9 SCHOOL SHALL OBTAIN WRITTEN AUTHORIZATION FROM A PARENT OR GUARDIAN IN  
10 ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

11 ~~(E)~~ (F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED  
12 WITH A SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO  
13 CREATE A SEIZURE ACTION PLAN.

14 (2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND  
15 DEPARTMENT OF HEALTH, SHALL ENSURE:

16 (I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID  
17 PROCEDURES; AND

18 (II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.

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

20 (I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN  
21 ADMINISTRATOR; AND

22 (II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER  
23 RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A  
24 SEIZURE DISORDER.

25 ~~(F)~~ (G) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED  
26 WITH A SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:

27 (I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL  
28 EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION  
29 AT SCHOOL;

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

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

- 3 1. THE STUDENT'S NAME;
- 4 2. THE NAME AND PURPOSE OF THE MEDICATION;
- 5 3. THE PRESCRIBED DOSAGE;
- 6 4. THE ROUTE OF ADMINISTRATION;
- 7 5. THE FREQUENCY THAT THE MEDICATION MAY BE  
8 ADMINISTERED; AND
- 9 6. THE CIRCUMSTANCES UNDER WHICH THE  
10 MEDICATION MAY BE ADMINISTERED.

11 (2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A  
12 SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE  
13 DISORDER SYMPTOMS SHALL BE:

14 (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS  
15 SUBMITTED; AND

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

18 ~~(G)~~ (H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE  
19 ANY PUBLIC SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN  
20 SELF-ADMINISTRATION OF MEDICATION FOR A SEIZURE, UNLESS THE PERSONNEL:

21 (1) HAS COMPLETED THE PAID PROFESSIONAL DEVELOPMENT  
22 TRAINING UNDER SUBSECTION (B) OF THIS SECTION; AND

23 (2) IS AUTHORIZED THROUGH WRITTEN AUTHORIZATION UNDER  
24 SUBSECTION (G) OF THIS SECTION TO ADMINISTER OR ASSIST IN  
25 SELF-ADMINISTRATION OF MEDICATION.

26 (I) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE  
27 OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO A STUDENT  
28 EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH  
29 THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE  
30 COURSE OF RESPONDING TO THE SITUATION.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.