

# SENATE BILL 299

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2lr1004  
CF HB 136

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By: **Senators Young, Feldman, and Washington**

Introduced and read first time: January 19, 2022

Assigned to: Education, Health, and Environmental Affairs

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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 online or in–person training with a certain frequency to school personnel with direct  
9 contact and supervision of students on certain seizure recognition and response  
10 methods; requiring the State Department of Education and the Maryland  
11 Department of Health, in consultation with a certain entity and stakeholders, to  
12 develop guidelines and a training program for school personnel on the health care  
13 needs of a student diagnosed with a seizure disorder; requiring the parent or  
14 guardian of a student diagnosed with a seizure disorder to collaborate with school  
15 personnel to create a seizure action plan and provide the school with certain  
16 information; requiring the State Department of Education, in collaboration with the  
17 Maryland Department of Health, to ensure health guidelines include certain  
18 information on seizures; and generally relating to responding to seizure symptoms  
19 and emergencies in schools in 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 ONLINE OR IN-PERSON TRAINING EVERY 2 YEARS TO  
26 ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM  
27 AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL  
28 PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON:

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

31 (II) PROCEDURES FOR NOTIFYING THE SCHOOL PERSONNEL  
32 TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

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

6           **(D) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC**  
7 **SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO 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) ADMINISTERING OR ASSISTING WITH THE**  
12 **SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION**  
13 **PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.**  
14 **FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.**

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

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

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

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

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

27                   **(II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.**

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

29                   **(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN**  
30 **ADMINISTRATOR; AND**

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

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

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

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

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

13                           **1. THE STUDENT'S NAME;**

14                           **2. THE NAME AND PURPOSE OF THE MEDICATION;**

15                           **3. THE PRESCRIBED DOSAGE;**

16                           **4. THE ROUTE OF ADMINISTRATION;**

17                           **5. THE FREQUENCY THAT THE MEDICATION MAY BE**  
18 **ADMINISTERED; AND**

19                           **6. THE CIRCUMSTANCES UNDER WHICH THE**  
20 **MEDICATION MAY BE ADMINISTERED.**

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

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

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

28           **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**

1 **OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO A STUDENT**  
2 **EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH**  
3 **THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE**  
4 **COURSE OF RESPONDING TO THE SITUATION.**

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