

SENATE BILL 299

F1

2lr1004
CF HB 136

By: **Senators Young, Feldman, ~~and Washington~~ Washington, Carozza, Hester, and Simonaire**

Introduced and read first time: January 19, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2022

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 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~~ require certain school personnel to make a certain
9 presentation with a certain frequency to school personnel with direct contact and
10 supervision of students ~~on certain seizure recognition and response methods~~;
11 requiring the State Department of Education and the Maryland Department of
12 Health, in consultation with a certain entity and stakeholders, to develop guidelines
13 and a training program for certain school personnel ~~on the health care needs of a~~
14 ~~student diagnosed with a seizure disorder~~; requiring the parent or guardian of a
15 student diagnosed with a seizure disorder to collaborate with school personnel to
16 create a seizure action plan and provide the school with certain information;
17 requiring the State Department of Education, in collaboration with the Maryland
18 Department of Health, to ensure health guidelines include certain information on
19 seizures; and generally relating to responding to seizure symptoms and emergencies
20 in schools in the State.

21 BY adding to

22 Article – Education

23 Section 7–450

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 Annotated Code of Maryland
2 (2018 Replacement Volume and 2021 Supplement)

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

5 **Article – Education**

6 **7-450.**

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

10 (B) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A COUNTY BOARD
11 SHALL REQUIRE AT LEAST TWO SCHOOL PERSONNEL AT EACH PUBLIC SCHOOL ~~TO~~
12 ~~BE TRAINED~~, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO COMPLETE A
13 PAID PROFESSIONAL DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR
14 IN-PERSON, IN:

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

16 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
17 SEIZURE; AND

18 (III) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,~~
19 ~~ADMINISTERING~~ ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION
20 OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE
21 DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION,
22 AND MANUAL VAGUS NERVE STIMULATION.

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

26 (3) (I) A SCHOOL NURSE MAY, CERTIFIED NURSING ASSISTANT, OR
27 CERTIFIED MEDICATION TECHNICIAN SHALL SERVE AS ONE OF THE TRAINED
28 SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

29 (II) AN INDIVIDUAL DESIGNATED BY THE SCHOOL NURSE OR
30 OTHER SCHOOL HEALTH PRACTITIONER OR A VOLUNTEER MAY SERVE AS ONE OF
31 THE TRAINED SCHOOL PERSONNEL UNDER PARAGRAPH (1) OF THIS SUBSECTION.

1 ~~(4)~~ **(3)** THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE
3 ISSUED BY THE DEPARTMENT.

4 **(C) (1)** BEGINNING IN THE 2023–2024 SCHOOL YEAR, A PUBLIC SCHOOL
5 SHALL ~~PROVIDE ONLINE OR IN PERSON TRAINING EVERY 2 YEARS TO~~
6 ~~ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM~~
7 ~~AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL~~
8 ~~PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON~~ REQUIRE
9 AN INDIVIDUAL TRAINED UNDER SUBSECTION (B) OF THIS SECTION TO PRESENT,
10 EVERY 2 YEARS, TO ALL SCHOOL PERSONNEL WHO HAVE DIRECT CONTACT AND
11 SUPERVISION OF STUDENTS AN ABRIDGED VERSION OF THE BEST PRACTICES FOR
12 SEIZURE RESPONSE, BASED ON THE SCHOOL HEALTH SERVICES GUIDELINES
13 DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION, INCLUDING:

14 **(I)** RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;
15 AND

16 **(II)** PROCEDURES FOR NOTIFYING THE SCHOOL PERSONNEL
17 TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

18 **(2)** SCHOOL PERSONNEL SHALL ATTEND THE PRESENTATION
19 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING PROFESSIONAL
20 DEVELOPMENT, A PRESERVICE MEETING, OR A STAFF MEETING.

21 **(3)** A COUNTY BOARD IS ENCOURAGED TO PROVIDE TO SCHOOL BUS
22 DRIVERS AND SCHOOL BUS AIDES:

23 **(I)** THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF
24 THIS SUBSECTION DURING THEIR WORK HOURS; OR

25 **(II)** THE INFORMATION FROM THE PRESENTATION REQUIRED
26 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

27 ~~(2)~~ **(D)** THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF
28 HEALTH, IN CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND
29 OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP SCHOOL HEALTH SERVICES
30 GUIDELINES AND A TRAINING PROGRAM FOR THE SCHOOL PERSONNEL UNDER
31 SUBSECTION (B) OF THIS SECTION ON THE ~~HEALTH CARE NEEDS~~ MANAGEMENT OF
32 A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

33 ~~(D)~~ **(E)** **(1)** BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC
34 SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:

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

2 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
3 SEIZURE; AND

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

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

11 ~~(3)~~ (2) A SCHOOL NURSE OR OTHER SCHOOL HEALTH CARE
12 PRACTITIONER MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL
13 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

17 (2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND
18 DEPARTMENT OF HEALTH, SHALL ENSURE:

19 (I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID
20 PROCEDURES; AND

21 (II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.

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

23 (I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN
24 ADMINISTRATOR; AND

25 (II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER
26 RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A
27 SEIZURE DISORDER.

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

1 (I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL
2 EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION
3 AT SCHOOL;

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

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

8 1. THE STUDENT'S NAME;

9 2. THE NAME AND PURPOSE OF THE MEDICATION;

10 3. THE PRESCRIBED DOSAGE;

11 4. THE ROUTE OF ADMINISTRATION;

12 5. THE FREQUENCY THAT THE MEDICATION MAY BE
13 ADMINISTERED; AND

14 6. THE CIRCUMSTANCES UNDER WHICH THE
15 MEDICATION MAY BE ADMINISTERED.

16 (2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A
17 SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE
18 DISORDER SYMPTOMS SHALL BE:

19 (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS
20 SUBMITTED; AND

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.