

1 HB228
2 156579-1
3 By Representative McClurkin
4 RFD: Education Policy
5 First Read: 15-JAN-14

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8 SYNOPSIS: This bill would allow K-12 schools and other
9 authorized entities to stock and to administer
10 premeasured doses of epinephrine to persons who are
11 experiencing anaphylaxis, a serious allergic
12 reaction.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to public health; to allow K-12 schools and
19 other authorized entities to stock and to administer
20 premeasured doses of epinephrine to persons who are
21 experiencing anaphylaxis, a serious allergic reaction.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) For the purposes of this section, the
24 following terms shall have the following meanings:

25 (1) ADMINISTER. The direct application of an
26 epinephrine auto-injector to the body of a person.

1 (2) AUTHORIZED HEALTH CARE PROVIDER. A person
2 allowed by law to prescribe and administer prescription drugs
3 in the course of professional practice.

4 (3) DESIGNATED SCHOOL PERSONNEL. An employee, agent,
5 or volunteer of a school designated by the governing authority
6 of the school who has completed the training required under
7 this section to provide or administer an epinephrine
8 auto-injector.

9 (4) EPINEPHRINE AUTO-INJECTOR. A single-use device
10 used for the automatic injection of a premeasured dose of
11 epinephrine into the human body.

12 (5) PROVIDE. The supply of one or more epinephrine
13 auto-injectors to a person.

14 (6) SCHOOL. Any public or nonpublic K-12 school.

15 (7) SELF-ADMINISTRATION. The discretionary use by a
16 student or other person of an epinephrine auto-injector,
17 whether provided by the student or by a school nurse or
18 designated school personnel pursuant to this section.

19 (b) Any provision of law to the contrary
20 notwithstanding, an authorized health care provider may
21 prescribe epinephrine auto-injectors in the name of a school
22 for use in accordance with this section, and a pharmacist or
23 physician may dispense epinephrine auto-injectors pursuant to
24 a prescription issued in the name of a school. A school may
25 maintain a stock supply of epinephrine auto-injectors for use
26 in accordance with this section.

1 (c) School nurses and designated school personnel,
2 upon authorization by the governing body of a school, may use
3 epinephrine auto-injectors prescribed pursuant to this section
4 to do all of the following:

5 (1) Provide an epinephrine auto-injector to a
6 student for self-administration in accordance with a
7 prescription specific to the student on file with the school.

8 (2) Administer an epinephrine auto-injector to a
9 student in accordance with a prescription specific to the
10 student on file with the school.

11 (3) Administer an epinephrine auto-injector to any
12 student or other person, on school premises, at
13 school-sponsored events, or at any other time the student or
14 person is subject to the jurisdiction or supervision of the
15 school, who the school nurse or designated school personnel
16 believes in good faith is experiencing anaphylaxis in
17 accordance with a standing protocol from an authorized health
18 care provider, regardless of whether the student or other
19 person has a prescription for an epinephrine auto-injector or
20 has previously been diagnosed with an allergy.

21 (d) A school may enter into arrangements with
22 manufacturers of epinephrine auto-injectors or third-party
23 suppliers of epinephrine auto-injectors to obtain epinephrine
24 auto-injectors at fair-market or reduced prices or at no cost.

25 (e) (1) Designated school personnel shall complete an
26 anaphylaxis training program before providing or administering
27 an epinephrine auto-injector made available by a school and at

1 least every two years following completion of the initial
2 anaphylaxis training program. The training shall be conducted
3 by a nationally recognized organization experienced in
4 training laypersons in emergency health treatment or other
5 entity or person approved by the Department of Public Health.
6 Training may be conducted online or in person and, at a
7 minimum, shall cover all of the following:

8 a. Techniques on how to recognize symptoms of severe
9 allergic reactions, including anaphylaxis.

10 b. Standards and procedures for the storage and
11 administration of an epinephrine auto-injector.

12 c. Emergency follow-up procedures.

13 (2) The entity that conducts the training shall
14 issue a certificate, on a form developed or approved by the
15 Department of Public Health, to each person who successfully
16 completes the anaphylaxis training program.

17 (f) (1) Not later than July 1, 2014, the State
18 Department of Education, in consultation with the Department
19 of Public Health, shall develop and make available to all
20 schools guidelines for the management of students with
21 life-threatening food allergies. The guidelines shall include,
22 but need not be limited to, all of the following:

23 a. Education and training for school personnel on
24 the management of students with life-threatening allergies,
25 including training related to the administration of an
26 epinephrine auto-injector.

1 b. Procedures for responding to life-threatening
2 allergic reactions.

3 c. A process for the development of individualized
4 health care and allergy action plans for every student with a
5 known life-threatening allergy.

6 d. Protocols to prevent exposure to allergens.

7 (2) Not later than July 1, 2015, the governing
8 authority of a school shall do all of the following:

9 a. Implement a plan based on the guidelines
10 developed pursuant to this section for the management of
11 students with life-threatening allergies enrolled in the
12 schools under its jurisdiction.

13 b. Make the plan available on the website of the
14 governing authority or the website of each school under the
15 jurisdiction of the governing authority, or if no websites
16 exist, make such plan publicly available through other
17 practicable means as determined by the governing authority.

18 (g) A school that possesses and makes available a
19 stock supply of epinephrine auto-injectors pursuant to this
20 section shall submit to the State Department of Education, on
21 a form developed by the department, a report of each incident
22 that involves a severe allergic reaction or the administration
23 of an epinephrine auto-injector. The State Department of
24 Education shall annually publish a report that summarizes and
25 analyzes all reports submitted to the department under this
26 section.

1 (h) A school that possesses and makes available
2 epinephrine auto-injectors and its governing body, school
3 nurses, employees, agents, and volunteers; an authorized
4 health care provider that prescribes epinephrine
5 auto-injectors to a school; and a person or entity that
6 conducts the training described in this section shall not be
7 liable for damages for any injuries that result from the
8 administration of, self-administration of, or failure to
9 administer an epinephrine auto-injector that may constitute
10 ordinary negligence, regardless of whether authorization was
11 provided by the parent or guardian of the student or by the
12 health care provider of the student. This immunity does not
13 apply to acts or omissions constituting gross, willful, or
14 wanton negligence. The administration of an epinephrine
15 auto-injector in accordance with this section is not the
16 practice of medicine. The immunity from liability provided
17 under this subsection is in addition to and not in lieu of
18 that provided under Section 16-5-332, Code of Alabama 1975, or
19 other good Samaritan statute.

20 Section 2. (a) For the purposes of this section, the
21 following terms shall have the following meanings:

22 (1) ADMINISTER. The direct application of an
23 epinephrine auto-injector to the body of a person.

24 (2) AUTHORIZED ENTITY. Any entity or organization at
25 or in connection with which allergens capable of causing
26 anaphylaxis may be present including, but not limited to,

1 restaurants, recreation camps, youth sports leagues, amusement
2 parks, and sports arenas.

3 (3) AUTHORIZED HEALTH CARE PROVIDER. A person
4 allowed by law to prescribe and administer prescription drugs
5 in the course of professional practice.

6 (4) EPINEPHRINE AUTO-INJECTOR. A single-use device
7 used for the automatic injection of a premeasured dose of
8 epinephrine into the human body.

9 (5) PROVIDE. The supply of one or more epinephrine
10 auto-injectors to a person.

11 (6) SELF-ADMINISTRATION. The discretionary use by a
12 person of an epinephrine auto-injector, whether provided by
13 the student or by a school nurse or designated school
14 personnel pursuant to this section.

15 (b) An authorized health care provider may prescribe
16 epinephrine auto-injectors in the name of an authorized entity
17 for use in accordance with this section, and pharmacists and
18 physicians may dispense epinephrine auto-injectors pursuant to
19 a prescription issued in the name of an authorized entity.

20 (c) An authorized entity may acquire and stock a
21 supply of epinephrine auto-injectors pursuant to a
22 prescription issued in accordance with this section.

23 Epinephrine auto-injectors shall be stored in a location
24 readily accessible in an emergency and in accordance with the
25 instructions for use for the epinephrine auto-injectors and
26 any additional requirements that may be established by the
27 Department of Public Health. An authorized entity shall

1 designate employees or agents who have completed the training
2 required by this section to be responsible for the storage,
3 maintenance, and general oversight of epinephrine
4 auto-injectors acquired by the authorized entity.

5 (d) An employee or agent of an authorized entity, or
6 other person, who has completed the training required by this
7 section, on the premises of or in connection with the
8 authorized entity, may use epinephrine auto-injectors
9 prescribed pursuant to this section to do all of the
10 following:

11 (1) Provide an epinephrine auto-injector to any
12 person who the employee, agent, or other person believes in
13 good faith is experiencing anaphylaxis for immediate
14 self-administration, regardless of whether the person has a
15 prescription for an epinephrine auto-injector or has
16 previously been diagnosed with an allergy.

17 (2) Administer an epinephrine auto-injector to any
18 person who the employee, agent, or other person believes in
19 good faith is experiencing anaphylaxis, regardless of whether
20 the person has a prescription for an epinephrine auto-injector
21 or has previously been diagnosed with an allergy.

22 (e) (1) An employee, agent, or other person described
23 in subsection (d) shall complete an anaphylaxis training
24 program before providing or administering an epinephrine
25 auto-injector made available by an authorized entity and at
26 least every two years following completion of the initial
27 anaphylaxis training program. Training shall be conducted by a

1 nationally recognized organization experienced in training
2 laypersons in emergency health treatment or other entity or
3 person approved by the Department of Public Health. Training
4 may be conducted online or in person and, at a minimum, shall
5 cover all of the following:

6 a. Techniques on how to recognize symptoms of severe
7 allergic reactions, including anaphylaxis.

8 b. Standards and procedures for the storage and
9 administration of an epinephrine auto-injector.

10 c. Emergency follow-up procedures.

11 (2) The entity that conducts the training shall
12 issue a certificate, on a form developed or approved by the
13 Department of Public Health, to each person who successfully
14 completes the anaphylaxis training program.

15 (f) An authorized entity that possesses and makes
16 available epinephrine auto-injectors and its employees,
17 agents, and other trained persons; a person who uses an
18 epinephrine auto-injector made available pursuant to
19 subsection (h); an authorized health care provider that
20 prescribes epinephrine auto-injectors to an authorized entity;
21 and a person or entity that conducts the training described in
22 subsection (e) shall not be liable for any injuries or related
23 damages that result from the administration of,
24 self-administration of, or failure to administer an
25 epinephrine auto-injector in accordance with this section that
26 may constitute ordinary negligence. This immunity does not
27 apply to acts or omissions constituting gross, willful, or

1 wanton negligence. The administration of an epinephrine
2 auto-injector in accordance with this section is not the
3 practice of medicine. The immunity from liability provided
4 under this subsection is in addition to and not in lieu of
5 that provided under Section 16-5-332, Code of Alabama 1975, or
6 other good Samaritan statute. An entity located in this state
7 is not liable for any injuries or related damages that result
8 from the provision or administration of an epinephrine
9 auto-injector by its employees or agents outside of this state
10 if the entity or its employee or agent would not have been
11 liable for such injuries or related damages had the provision
12 or administration occurred within this state.

13 (g) An authorized entity that possesses and makes
14 available epinephrine auto-injectors shall submit to the
15 Department of Public Health, on a form developed by the
16 department, a report of each incident on the premises of the
17 authorized entity that involves the administration of an
18 epinephrine auto-injector. The department shall annually
19 publish a report that summarizes and analyzes all reports
20 submitted to the department under this section.

21 (h) An authorized entity that acquires a stock
22 supply of epinephrine auto-injectors pursuant to a
23 prescription issued in accordance with this section may make
24 epinephrine auto-injectors available to persons other than
25 those trained persons described in subsection (d) if the
26 epinephrine auto-injectors are stored in a locked, secure
27 container and are made available only upon remote

1 authorization by an authorized health care provider after
2 consultation with the authorized health care provider by
3 audio, televideo, or other similar means of electronic
4 communication. Consultation with an authorized health care
5 provider for this purpose is not considered the practice of
6 telemedicine or otherwise to be construed as violating any law
7 or rule regulating the professional practice of the authorized
8 health care provider.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.