

1 SB270  
2 181637-2  
3 By Senator Whatley  
4 RFD: Education and Youth Affairs  
5 First Read: 01-FEB-18

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8 SYNOPSIS: Under existing law, students attending  
9 public and nonpublic K-12 schools are permitted to  
10 self-administer certain approved medications while  
11 on school property and the State Department of  
12 Education is required to develop and anaphylaxis  
13 preparedness program to recognize, prevent, and  
14 respond to severe allergic reactions on public  
15 school campuses.

16 This bill would name the self-administration  
17 law and the anaphylaxis preparedness program law  
18 together as the Kyle Graddy Act.

19 This bill would specifically allow the  
20 possession and self-administration of single dose  
21 autoinjectable epinephrine by a school student.

22 This bill would also provide further for the  
23 definition of single dose autoinjectable  
24 epinephrine.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Sections 16-1-39 and 16-1-48, Code of  
4 Alabama 1975, relating to the administration of medications on  
5 K-12 school campuses; to name the code sections together as  
6 the Kyle Graddy Act; to allow the possession and  
7 self-administration of single dose autoinjectable epinephrine  
8 by students; and to provide further for the definition of  
9 single dose autoinjectable epinephrine.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 2 shall be known and may be cited  
12 as the Kyle Graddy Act.

13 Section 2. Sections 16-1-39 and 16-1-48 of the Code  
14 of Alabama 1975, are amended to read as follows:

15 "§16-1-39.

16 "(a) Commencing with the 2007-2008 scholastic year,  
17 each local board of education and the governing body of each  
18 nonpublic school in the state shall permit the  
19 self-administration of medications by a student for chronic  
20 conditions if conducted in compliance with the State  
21 Department of Education and State Board of Nursing Medication  
22 Curriculum, as may be amended from time to time by the  
23 department and board. Approved medications may be  
24 self-administered if the parent or legal guardian of the  
25 student provides all of the information outlined in the  
26 medication curriculum, including, but not limited to, all of  
27 the following:

1           "(1) Written and signed authorization for the  
2 self-administration to the chief executive officer of the  
3 school.

4           "(2) Written and signed acknowledgement that the  
5 school shall incur no liability and that the parent or legal  
6 guardian shall indemnify and hold harmless the school and the  
7 employees and agents of the school against any claims that may  
8 arise relating to the self-administration of approved  
9 medications.

10           "(3) Written medical authorization that includes all  
11 of the following:

12           "a. The signature of the attending physician, or his  
13 or her authorized agent.

14           "b. Confirmation that the student has been  
15 instructed in the proper self-administration of the approved  
16 medication.

17           "c. The name, purpose, and prescribed dosage of the  
18 medications to be self-administered.

19           "d. The frequency with which the prescribed  
20 medications are to be administered.

21           "e. Any special instructions or circumstances under  
22 which the medications should be administered.

23           "f. The length of time for which the medications are  
24 prescribed.

25           "(b) All documents provided to a school pursuant to  
26 subsection (a) shall be kept on file in the office of the  
27 school nurse or chief executive officer of the school.

1           "(c) The local board of education or the governing  
2 body of the nonpublic school shall incur no liability and is  
3 immune from any liability exposure created by this section.

4           "(d) Permission for the self-administration of  
5 approved medications shall only be effective for the school  
6 year in which permission is granted. Permission for  
7 self-administration of approved medications may be granted in  
8 subsequent years provided all requirements of this section are  
9 satisfied.

10           "(e) Upon obtaining permission to self-administer  
11 approved medications pursuant to this section, a student shall  
12 be permitted to possess and self-administer approved  
13 medications, according to the orders of the prescriber, at any  
14 time while on school property or while attending a  
15 school-sponsored event.

16           "(f) Nothing in this section shall be interpreted as  
17 permitting a student to possess a controlled substance, as  
18 defined in the medication curriculum, on school property.

19           "(g) Single dose autoinjectable epinephrine, as  
20 defined in subsection (c) of Section 16-1-48, is an approved  
21 medication for purposes of subsection (a) that may be carried  
22 on the person of and self-administered by a student.

23           "§16-1-48.

24           "(a) The State Department of Education shall develop  
25 an anaphylaxis preparedness program to be adopted by each  
26 local board of education and implemented in each K-12 public  
27 school commencing with the 2015-2016 scholastic year. The

1 Alabama State Board of Pharmacy shall provide guidance,  
2 direction, and advice to the State Department of Education in  
3 developing and administering the anaphylaxis preparedness  
4 program.

5 "(b) The anaphylaxis preparedness program shall  
6 incorporate the following three levels of prevention initiated  
7 by licensed public school nurses as a part of the health  
8 services program:

9 "(1) Level I, primary prevention: Education programs  
10 that address food allergies and anaphylaxis through both  
11 classroom and individual instruction for staff and students.

12 "(2) Level II, secondary prevention: Identification  
13 and management of chronic illness.

14 "(3) Level III, tertiary prevention: The development  
15 of a planned response to anaphylaxis-related emergencies in  
16 the school setting.

17 "(c) Each local board of education may collaborate  
18 with a physician to develop and maintain a protocol for  
19 emergency response that shall include a supply of premeasured,  
20 autoinjectable epinephrine single dose autoinjectable  
21 epinephrine on each public school campus to treat potentially  
22 life threatening allergic reactions. Single dose  
23 autoinjectable epinephrine consists of a disposable  
24 autoinjectable drug delivery device that is easily  
25 transportable and contains a premeasured single dose of  
26 epinephrine. Single dose autoinjectable epinephrine may be  
27 self-administered at school by a student pursuant to Section

1     16-1-39 or may be administered or provided to school children  
2     by the school nurse, or unlicensed school personnel who have  
3     completed an anaphylaxis training program conducted by a  
4     nationally recognized organization experienced in training  
5     laypersons in emergency health treatment or other medication  
6     administration program approved by the State Department of  
7     Education and State Board of Nursing. Training may be  
8     conducted online or in person and, at a minimum, shall cover  
9     each of the following:

10             "(1) Techniques on how to recognize symptoms of  
11             severe allergic reactions, including anaphylaxis.

12             "(2) Standards and procedures for the storage and  
13             administration of ~~an~~ single dose autoinjectable epinephrine.

14             "(3) Emergency follow-up procedures.

15             "(d) A school that possesses and makes available  
16             single dose autoinjectable epinephrine and its employees,  
17             agents, and other trained personnel, and any person who  
18             conducts the training described in subsection (c), shall be  
19             immune from suit and not liable for any civil damages  
20             resulting from any acts or omissions in the supervision or  
21             rendering of services, care, or assistance to a student under  
22             this section, nor for any civil damages resulting from any  
23             act, or failure to act, to provide or arrange for further  
24             treatment, care, or assistance. No information or protocols  
25             produced related to this section shall be construed to  
26             establish a standard of care for physicians or otherwise  
27             modify, amend, or supersede any provision of the Alabama

1 Medical Liability Act of 1996, commencing with Section  
2 6-5-540, or any amendment thereto, or any judicial  
3 interpretation thereof. Any provision of law to the contrary  
4 notwithstanding, a physician who is consulted or participates  
5 in regard to anaphylaxis-related emergencies, or develops,  
6 maintains, or is otherwise associated with, a protocol under  
7 this section, or takes any other action associated with, or  
8 related to, this section, is immune from all civil and  
9 criminal liability for any such acts.

10 "(e) The requirement that a supply of premeasured,  
11 single dose autoinjectable epinephrine be secured and  
12 maintained on each public school campus shall only be enforced  
13 if funding is provided by the state."

14 Section 3. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law.