

HB533 ENROLLED



1 HB533
2 EJILI92-2
3 By Representative Wilcox
4 RFD: Health
5 First Read: 03-Mar-26



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1 Enrolled, An Act,

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3 Relating to public health; to amend Sections 16-1-39,
4 16-1-48, and 22-1-16, Code of Alabama 1975, to expand the form
5 of epinephrine approved to be carried and self-administered by
6 students, and stocked and administered by schools, authorized
7 entities, and certain staff members.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 16-1-39, 16-1-48, and 22-1-16, Code
10 of Alabama 1975, are amended to read as follows:

11 "§16-1-39

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

24 (1) Written and signed authorization for the
25 self-administration to the chief executive officer of the
26 school.

27 (2) Written and signed ~~acknowledgement~~ acknowledgment
28 that the school shall incur no liability and that the parent



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29 or legal guardian shall indemnify and hold harmless the school
30 and the employees and agents of the school against any claims
31 that may arise relating to the self-administration of approved
32 medications.

33 (3) Written medical authorization that includes all of
34 the following:

35 a. The signature of the attending physician, or his or
36 her authorized agent.

37 b. Confirmation that the student has been instructed in
38 the proper self-administration of the approved medication.

39 c. The name, purpose, and prescribed dosage of the
40 medications to be self-administered.

41 d. The frequency with which the prescribed medications
42 are to be administered.

43 e. Any special instructions or circumstances under
44 which the medications should be administered.

45 f. The length of time for which the medications are
46 prescribed.

47 (b) All documents provided to a school pursuant to
48 subsection (a) shall be kept on file in the office of the
49 school nurse or chief executive officer of the school.

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

53 (d) Permission for the self-administration of approved
54 medications shall only be effective for the school year in
55 which permission is granted. Permission for
56 self-administration of approved medications may be granted in



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57 subsequent years provided all requirements of this section are
58 satisfied.

59 (e) Upon obtaining permission to self-administer
60 approved medications pursuant to this section, a student shall
61 be permitted to possess and self-administer approved
62 medications, according to the orders of the prescriber, at any
63 time while on school property or while attending a
64 school-sponsored event.

65 (f) Nothing in this section shall be interpreted as
66 permitting a student to possess a controlled substance, as
67 defined in the medication curriculum, on school property.

68 (g) ~~Single dose autoinjectable~~ An epinephrine delivery
69 system, as defined in ~~subsection (c) of~~ Section 16-1-48(c), is
70 an approved medication for purposes of subsection (a) that may
71 be carried on the person of and self-administered by a
72 student."

73 "§16-1-48

74 (a) The State Department of Education shall develop an
75 anaphylaxis preparedness program to be adopted by each local
76 board of education and implemented in each K-12 public school
77 commencing with the 2015-2016 scholastic year. The Alabama
78 State Board of Pharmacy shall provide guidance, direction, and
79 advice to the State Department of Education in developing and
80 administering the anaphylaxis preparedness program.

81 (b) The anaphylaxis preparedness program shall
82 incorporate the following three levels of prevention initiated
83 by licensed public school nurses as a part of the health
84 services program:



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85 (1) Level I, primary prevention: Education programs
86 that address food allergies and anaphylaxis through both
87 classroom and individual instruction for staff and students.

88 (2) Level II, secondary prevention: Identification and
89 management of chronic illness.

90 (3) Level III, tertiary prevention: The development of
91 a planned response to anaphylaxis-related emergencies in the
92 school setting.

93 (c) Each local board of education may collaborate with
94 a physician to develop and maintain a protocol for emergency
95 response that shall include a supply of ~~premeasured, single~~
96 ~~dose autoinjectable epinephrine~~ delivery systems on each
97 public school campus to treat potentially life threatening
98 allergic reactions. ~~Single dose autoinjectable~~ An epinephrine
99 delivery system consists of a single use device ~~used for~~
100 ~~automatic injection of~~ that is approved by the federal Food
101 and Drug Administration, that contains a premeasured dose of
102 epinephrine, and that is used to administer epinephrine into
103 the human body ~~or another epinephrine system approved by the~~
104 ~~federal Food and Drug Administration for public use to prevent~~
105 ~~or treat a life-threatening allergic reaction.~~ ~~Single dose~~
106 ~~autoinjectable epinephrine~~ Epinephrine delivery systems may be
107 self-administered at school by a student pursuant to Section
108 16-1-39 or may be administered or provided to school children
109 by the school nurse, or unlicensed school personnel who have
110 completed an anaphylaxis training program conducted by a
111 nationally recognized organization experienced in training
112 laypersons in emergency health treatment or other medication



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113 administration program approved by the State Department of
114 Education and State Board of Nursing. Training may be
115 conducted online or in person and, at a minimum, shall cover
116 each of the following:

117 (1) Techniques on how to recognize symptoms of severe
118 allergic reactions, including anaphylaxis.

119 (2) Standards and procedures for the storage and
120 administration of ~~single dose autoinjectable~~ epinephrine
121 delivery systems.

122 (3) Emergency follow-up procedures.

123 (d) A school that possesses and makes available ~~single~~
124 ~~dose autoinjectable~~ epinephrine delivery systems and its
125 employees, agents, and other trained personnel, and any person
126 who conducts the training described in subsection (c), shall
127 be immune from suit and not liable for any civil damages
128 resulting from any acts or omissions in the supervision or
129 rendering of services, care, or assistance to a student under
130 this section, nor for any civil damages resulting from any
131 act, or failure to act, to provide or arrange for further
132 treatment, care, or assistance. No information or protocols
133 produced related to this section shall be construed to
134 establish a standard of care for physicians or otherwise
135 modify, amend, or supersede any provision of the Alabama
136 Medical Liability Act of 1996, commencing with Section
137 6-5-540, or any amendment thereto, or any judicial
138 interpretation thereof. Any provision of law to the contrary
139 notwithstanding, a physician who is consulted or participates
140 in regard to anaphylaxis-related emergencies, or develops,



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141 maintains, or is otherwise associated with, a protocol under
142 this section, or takes any other action associated with, or
143 related to, this section, is immune from all civil and
144 criminal liability for any such acts.

145 (e) The requirement that a supply of ~~premeasured,~~
146 ~~single dose autoinjectable~~ epinephrine delivery systems be
147 secured and maintained on each public school campus shall only
148 be enforced if funding is provided by the state."

149 "§22-1-16

150 (a) As used in this section, the following words ~~shall~~
151 have the following meanings:

152 (1) ADMINISTER. The direct application of an
153 epinephrine ~~auto-injector~~ delivery system to the body of an
154 individual.

155 (2) AUTHORIZED ENTITY. Any entity or organization other
156 than a K-12 public school subject to Section 16-1-48, in
157 connection with or at which allergens capable of causing
158 anaphylaxis may be present, including, but not limited to,
159 recreation camps, colleges and universities, day care
160 facilities, youth sport leagues, amusement parks, restaurants,
161 places of employment, and sports arenas.

162 (3) EPINEPHRINE ~~AUTO-INJECTOR~~ DELIVERY SYSTEM. A
163 single-use device that is approved by the federal Food and
164 Drug Administration, that contains ~~used for the automatic~~
165 ~~injection of~~ a premeasured dose of epinephrine, and that is
166 used to administer epinephrine into the human body to prevent
167 or treat a life-threatening allergic reaction.

168 (4) MEDICAL PRACTITIONER. A physician or other



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169 individual licensed under Title 34 authorized to treat, use,
170 or prescribe medicine and drugs for sick and injured humans in
171 this state.

172 (5) PROVIDE. The supply of one or more epinephrine
173 ~~auto-injectors~~ delivery systems to an individual. As used in
174 this section, the term should not be construed to include any
175 managerial authority on behalf of the medical practitioner.

176 (b) A medical practitioner may prescribe epinephrine
177 ~~auto-injectors~~ delivery systems in the name of an authorized
178 entity for use in accordance with this section, and
179 pharmacists and medical providers may dispense epinephrine
180 ~~auto-injectors~~ delivery systems pursuant to a prescription
181 issued in the name of any authorized entity. A prescription
182 issued pursuant to this section shall be valid for two years.

183 (c) An authorized entity may acquire and stock a supply
184 of epinephrine ~~auto-injectors~~ delivery systems pursuant to a
185 prescription issued in accordance with this section.
186 Epinephrine ~~auto-injectors~~ delivery systems shall be stored in
187 a location readily accessible in an emergency and in
188 accordance with the epinephrine ~~auto-injector's~~ delivery
189 system's instructions for use and any additional requirements
190 that may be established by the State ~~Board~~ Committee of Public
191 Health. An authorized entity shall designate employees or
192 agents who have completed training required by this section to
193 be responsible for the storage, maintenance, control, and
194 general oversight of epinephrine ~~auto-injectors~~ delivery
195 systems acquired by the authorized entity.

196 (d) An employee or agent of an authorized entity, or



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197 other individual who has completed the training required by
198 this section, may use epinephrine-~~auto-injectors~~ delivery
199 systems prescribed pursuant to this section to do either of
200 the following:

201 (1) Provide an epinephrine-~~auto-injector~~ delivery
202 system to an individual who the employee, agent, or other
203 individual believes in good faith is experiencing anaphylaxis,
204 or the parent, guardian, or caregiver of the individual, for
205 immediate administration, regardless of whether the individual
206 has a prescription for an epinephrine-~~auto-injector~~ delivery
207 system or has previously been diagnosed with an allergy.

208 (2) Administer an epinephrine-~~auto-injector~~ delivery
209 system to any individual who the employee, agent, or other
210 individual believes in good faith is experiencing anaphylaxis,
211 regardless of whether the individual has a prescription for an
212 epinephrine-~~auto-injector~~ delivery system or has previously
213 been diagnosed with an allergy.

214 (e) An employee, agent, or other individual described
215 in subsection (c) or (d) shall complete an initial anaphylaxis
216 training program and shall complete subsequent training
217 programs at least every two years thereafter. Training shall
218 be conducted by a nationally recognized organization
219 experienced in training laypersons in emergency health
220 treatment or an entity or individual approved by the
221 Department of Public Health. The Department of Public Health
222 may approve specific entities or individuals or may approve
223 classes of entities or individuals to conduct training. The
224 entity that conducts the training shall issue a certificate,



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225 on a form developed by the Department of Public Health, to
226 each individual who successfully completes the anaphylaxis
227 training program. Training may be conducted online or in
228 person and, at a minimum, shall cover all of the following:

229 (1) How to recognize signs and symptoms of severe
230 allergic reactions, including anaphylaxis.

231 (2) Standards and procedures for the storage and
232 administration of an epinephrine ~~auto-injector~~ delivery
233 system.

234 (3) Emergency follow-up procedures.

235 (f) The following persons shall not be liable for any
236 injuries or related damages that result from any act or
237 omission taken pursuant to this section, ~~provided, however,~~
238 this immunity does not apply to an act or omission
239 constituting willful or wanton conduct:

240 (1) An authorized entity that possesses and makes
241 available epinephrine ~~auto-injectors~~ delivery systems and its
242 employees, agents, and other individuals.

243 (2) An individual or entity that conducts the training
244 described in this section, but only to the extent the injuries
245 or related damages arise from the training conducted by the
246 individual or entity. Notwithstanding subsection (g), a health
247 care provider who or which administers an epinephrine
248 ~~auto-injector~~ delivery system shall be subject to and afforded
249 the protections provided by the Alabama Medical Liability Act,
250 Sections 6-5-480 to 6-5-488, inclusive, and Sections 6-5-540
251 to 6-5-552, inclusive, and any amendments thereto. The
252 immunity provided in this subsection does not affect a



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253 manufacturer's liability regarding the design, manufacture,
254 instructions regarding the use of, or training regarding the
255 use of, an epinephrine-auto-injector delivery system.

256 (g) All of the following individuals are immune from
257 any civil or criminal liability for actions authorized under
258 this section:

259 (1) A physician who prescribes or dispenses an
260 epinephrine-auto-injector delivery system pursuant to this
261 section, or who is consulted pursuant to this section, and who
262 has no managerial authority over the individual administering
263 the epinephrine-auto-injector delivery system.

264 (2) A pharmacist who dispenses an epinephrine
265 auto-injector pursuant delivery system to this section and who
266 has no managerial authority over the individual administering
267 the epinephrine-auto-injector delivery system.

268 (h) The administration of an epinephrine-auto-injector
269 delivery system in accordance with this section is not the
270 practice of medicine, except for licensed health care
271 professionals, nor is it the practice of another profession
272 that otherwise requires licensure. This section does not alter
273 or replace any other immunity or defense that may be available
274 under state law.

275 (i) (1) An authorized entity that possesses and makes
276 available epinephrine-auto-injectors delivery systems shall
277 submit to the Department of Public Health, on a form developed
278 by the Department of Public Health, a report of each incident
279 on the authorized entity's premises that involves the
280 administration of an epinephrine-auto-injector delivery system



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281 pursuant to subsection (c). The Department of Public Health
282 shall annually publish a report that summarizes and analyzes
283 all reports submitted to it under this subsection.

284 (2) The State ~~Board~~ Committee of Public Health may
285 adopt rules necessary to carry out the intent of this
286 section."

287 Section 2. This act shall become effective on October
288 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 17-Mar-26.

John Treadwell
Clerk

Senate

08-Apr-26

Passed