

SB351 INTRODUCED



1 SB351
2 MS7UKWH-1
3 By Senator Weaver
4 RFD: Healthcare
5 First Read: 10-Mar-26



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SYNOPSIS:

Under existing law, single-dose autoinjectible epinephrine is the form of epinephrine approved to be carried and self-administered by students, and acquired, stocked, and administered by schools, authorized entities, and certain staff members.

This bill would expand the type of approved epinephrine to include any Food and Drug Administration approved form of single-dose premeasured epinephrine used to administer epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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29 "§16-1-39

30 (a) Commencing with the 2007-2008 scholastic year, each
31 local board of education and the governing body of each
32 nonpublic school in the state shall permit the
33 self-administration of medications by a student for chronic
34 conditions if conducted in compliance with the State
35 Department of Education and State Board of Nursing Medication
36 Curriculum, as may be amended from time to time by the
37 department and board. Approved medications may be
38 self-administered if the parent or legal guardian of the
39 student provides all of the information outlined in the
40 medication curriculum, including, but not limited to, all of
41 the following:

42 (1) Written and signed authorization for the
43 self-administration to the chief executive officer of the
44 school.

45 (2) Written and signed ~~acknowledgement~~ acknowledgment
46 that the school shall incur no liability and that the parent
47 or legal guardian shall indemnify and hold harmless the school
48 and the employees and agents of the school against any claims
49 that may arise relating to the self-administration of approved
50 medications.

51 (3) Written medical authorization that includes all of
52 the following:

53 a. The signature of the attending physician, or his or
54 her authorized agent.

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



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

59 d. The frequency with which the prescribed medications
60 are to be administered.

61 e. Any special instructions or circumstances under
62 which the medications should be administered.

63 f. The length of time for which the medications are
64 prescribed.

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

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

71 (d) Permission for the self-administration of approved
72 medications shall only be effective for the school year in
73 which permission is granted. Permission for
74 self-administration of approved medications may be granted in
75 subsequent years provided all requirements of this section are
76 satisfied.

77 (e) Upon obtaining permission to self-administer
78 approved medications pursuant to this section, a student shall
79 be permitted to possess and self-administer approved
80 medications, according to the orders of the prescriber, at any
81 time while on school property or while attending a
82 school-sponsored event.

83 (f) Nothing in this section shall be interpreted as
84 permitting a student to possess a controlled substance, as



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85 defined in the medication curriculum, on school property.

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

91 "§16-1-48

92 (a) The State Department of Education shall develop an
93 anaphylaxis preparedness program to be adopted by each local
94 board of education and implemented in each K-12 public school
95 commencing with the 2015-2016 scholastic year. The Alabama
96 State Board of Pharmacy shall provide guidance, direction, and
97 advice to the State Department of Education in developing and
98 administering the anaphylaxis preparedness program.

99 (b) The anaphylaxis preparedness program shall
100 incorporate the following three levels of prevention initiated
101 by licensed public school nurses as a part of the health
102 services program:

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

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

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

111 (c) Each local board of education may collaborate with
112 a physician to develop and maintain a protocol for emergency



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113 response that shall include a supply of ~~premeasured, single~~
114 ~~dose autoinjectable~~ epinephrine delivery systems on each
115 public school campus to treat potentially life threatening
116 allergic reactions. ~~Single dose autoinjectable~~ An epinephrine
117 delivery system consists of a single use device ~~used for~~
118 ~~automatic injection of~~ that is approved by the federal Food
119 and Drug Administration, that contains a premeasured dose of
120 epinephrine, and that is used to administer epinephrine into
121 the human body ~~or another epinephrine system approved by the~~
122 ~~federal Food and Drug Administration for public use to prevent~~
123 or treat a life-threatening allergic reaction. ~~Single dose~~
124 ~~autoinjectable epinephrine~~ Epinephrine delivery systems may be
125 self-administered at school by a student pursuant to Section
126 16-1-39 or may be administered or provided to school children
127 by the school nurse, or unlicensed school personnel who have
128 completed an anaphylaxis training program conducted by a
129 nationally recognized organization experienced in training
130 laypersons in emergency health treatment or other medication
131 administration program approved by the State Department of
132 Education and State Board of Nursing. Training may be
133 conducted online or in person and, at a minimum, shall cover
134 each of the following:

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

137 (2) Standards and procedures for the storage and
138 administration of ~~single dose autoinjectable~~ epinephrine
139 delivery systems.

140 (3) Emergency follow-up procedures.



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141 (d) A school that possesses and makes available ~~single~~
142 ~~dose autoinjectable~~ epinephrine delivery systems and its
143 employees, agents, and other trained personnel, and any person
144 who conducts the training described in subsection (c), shall
145 be immune from suit and not liable for any civil damages
146 resulting from any acts or omissions in the supervision or
147 rendering of services, care, or assistance to a student under
148 this section, nor for any civil damages resulting from any
149 act, or failure to act, to provide or arrange for further
150 treatment, care, or assistance. No information or protocols
151 produced related to this section shall be construed to
152 establish a standard of care for physicians or otherwise
153 modify, amend, or supersede any provision of the Alabama
154 Medical Liability Act of 1996, commencing with Section
155 6-5-540, or any amendment thereto, or any judicial
156 interpretation thereof. Any provision of law to the contrary
157 notwithstanding, a physician who is consulted or participates
158 in regard to anaphylaxis-related emergencies, or develops,
159 maintains, or is otherwise associated with, a protocol under
160 this section, or takes any other action associated with, or
161 related to, this section, is immune from all civil and
162 criminal liability for any such acts.

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

167 "§22-1-16

168 (a) As used in this section, the following words ~~shall~~



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169 have the following meanings:

170 (1) ADMINISTER. The direct application of an
171 epinephrine ~~auto-injector~~ delivery system to the body of an
172 individual.

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

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

186 (4) MEDICAL PRACTITIONER. A physician or other
187 individual licensed under Title 34 authorized to treat, use,
188 or prescribe medicine and drugs for sick and injured humans in
189 this state.

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

194 (b) A medical practitioner may prescribe epinephrine
195 ~~auto-injectors~~ delivery systems in the name of an authorized
196 entity for use in accordance with this section, and



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197 pharmacists and medical providers may dispense epinephrine
198 ~~auto-injectors~~ delivery systems pursuant to a prescription
199 issued in the name of any authorized entity. A prescription
200 issued pursuant to this section shall be valid for two years.

201 (c) An authorized entity may acquire and stock a supply
202 of epinephrine ~~auto-injectors~~ delivery systems pursuant to a
203 prescription issued in accordance with this section.

204 Epinephrine ~~auto-injectors~~ delivery systems shall be stored in
205 a location readily accessible in an emergency and in
206 accordance with the epinephrine ~~auto-injector's~~ delivery
207 system's instructions for use and any additional requirements
208 that may be established by the State ~~Board~~ Committee of Public
209 Health. An authorized entity shall designate employees or
210 agents who have completed training required by this section to
211 be responsible for the storage, maintenance, control, and
212 general oversight of epinephrine ~~auto-injectors~~ delivery
213 systems acquired by the authorized entity.

214 (d) An employee or agent of an authorized entity, or
215 other individual who has completed the training required by
216 this section, may use epinephrine ~~auto-injectors~~ delivery
217 systems prescribed pursuant to this section to do either of
218 the following:

219 (1) Provide an epinephrine ~~auto-injector~~ delivery
220 system to an individual who the employee, agent, or other
221 individual believes in good faith is experiencing anaphylaxis,
222 or the parent, guardian, or caregiver of the individual, for
223 immediate administration, regardless of whether the individual
224 has a prescription for an epinephrine ~~auto-injector~~ delivery



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225 system or has previously been diagnosed with an allergy.

226 (2) Administer an epinephrine ~~auto-injector~~ delivery
227 system to any individual who the employee, agent, or other
228 individual believes in good faith is experiencing anaphylaxis,
229 regardless of whether the individual has a prescription for an
230 epinephrine ~~auto-injector~~ delivery system or has previously
231 been diagnosed with an allergy.

232 (e) An employee, agent, or other individual described
233 in subsection (c) or (d) shall complete an initial anaphylaxis
234 training program and shall complete subsequent training
235 programs at least every two years thereafter. Training shall
236 be conducted by a nationally recognized organization
237 experienced in training laypersons in emergency health
238 treatment or an entity or individual approved by the
239 Department of Public Health. The Department of Public Health
240 may approve specific entities or individuals or may approve
241 classes of entities or individuals to conduct training. The
242 entity that conducts the training shall issue a certificate,
243 on a form developed by the Department of Public Health, to
244 each individual who successfully completes the anaphylaxis
245 training program. Training may be conducted online or in
246 person and, at a minimum, shall cover all of the following:

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

249 (2) Standards and procedures for the storage and
250 administration of an epinephrine ~~auto-injector~~ delivery
251 system.

252 (3) Emergency follow-up procedures.



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253 (f) The following persons shall not be liable for any
254 injuries or related damages that result from any act or
255 omission taken pursuant to this section~~, provided, however,~~
256 this immunity does not apply to an act or omission
257 constituting willful or wanton conduct:

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

261 (2) An individual or entity that conducts the training
262 described in this section, but only to the extent the injuries
263 or related damages arise from the training conducted by the
264 individual or entity. Notwithstanding subsection (g), a health
265 care provider who or which administers an epinephrine
266 ~~auto-injector~~ delivery system shall be subject to and afforded
267 the protections provided by the Alabama Medical Liability Act,
268 Sections 6-5-480 to 6-5-488, inclusive, and Sections 6-5-540
269 to 6-5-552, inclusive, and any amendments thereto. The
270 immunity provided in this subsection does not affect a
271 manufacturer's liability regarding the design, manufacture,
272 instructions regarding the use of, or training regarding the
273 use of, an epinephrine ~~auto-injector~~ delivery system.

274 (g) All of the following individuals are immune from
275 any civil or criminal liability for actions authorized under
276 this section:

277 (1) A physician who prescribes or dispenses an
278 epinephrine ~~auto-injector~~ delivery system pursuant to this
279 section, or who is consulted pursuant to this section, and who
280 has no managerial authority over the individual administering



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281 the epinephrine ~~auto-injector~~ delivery system.

282 (2) A pharmacist who dispenses an epinephrine
283 ~~auto-injector pursuant~~ delivery system to this section and who
284 has no managerial authority over the individual administering
285 the epinephrine ~~auto-injector~~ delivery system.

286 (h) The administration of an epinephrine ~~auto-injector~~
287 delivery system in accordance with this section is not the
288 practice of medicine, except for licensed health care
289 professionals, nor is it the practice of another profession
290 that otherwise requires licensure. This section does not alter
291 or replace any other immunity or defense that may be available
292 under state law.

293 (i) (1) An authorized entity that possesses and makes
294 available epinephrine ~~auto-injectors~~ delivery systems shall
295 submit to the Department of Public Health, on a form developed
296 by the Department of Public Health, a report of each incident
297 on the authorized entity's premises that involves the
298 administration of an epinephrine ~~auto-injector~~ delivery system
299 pursuant to subsection (c). The Department of Public Health
300 shall annually publish a report that summarizes and analyzes
301 all reports submitted to it under this subsection.

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

305 Section 2. This act shall become effective on October
306 1, 2026.