

Senate File 462 - Introduced

SENATE FILE 462
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1244)

A BILL FOR

1 An Act relating to the maintenance and administration of
2 epinephrine in schools and certain other facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.185 Epinephrine auto-injector
2 supply.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "*Epinephrine auto-injector*" means the same as provided
6 in section 280.16.

7 b. "*Facility*" means a food establishment as defined in
8 section 137F.1, a carnival as defined in section 88A.1, a
9 recreational camp, a youth sports facility, or a sports area.

10 c. "*Licensed health care professional*" means the same as
11 provided in section 280.16.

12 d. "*Personnel authorized to administer epinephrine*" means
13 an employee of a facility who is trained and authorized to
14 administer an epinephrine auto-injector.

15 e. "*Physician*" means the same as provided in section 280.16.

16 2. Notwithstanding any other provision of law to the
17 contrary, a licensed health care professional may prescribe
18 epinephrine auto-injectors in the name of a facility to be
19 maintained for use as provided in this section.

20 3. A facility may obtain a prescription for epinephrine
21 auto-injectors and maintain a supply of such auto-injectors in
22 a secure location at each location where a member of the public
23 may be present for use as provided in this section. A facility
24 that obtains such a prescription shall replace epinephrine
25 auto-injectors in the supply upon use or expiration. Personnel
26 authorized to administer epinephrine may possess and administer
27 epinephrine auto-injectors from the supply as provided in this
28 section.

29 4. Personnel authorized to administer epinephrine may
30 provide or administer an epinephrine auto-injector from the
31 facility's supply to an individual present at the facility
32 if such personnel reasonably and in good faith believe the
33 individual is having an anaphylactic reaction.

34 5. The following persons, provided they have acted
35 reasonably and in good faith, shall not be liable for

1 any injury arising from the provision, administration,
2 or assistance in the administration of an epinephrine
3 auto-injector as provided in this section:

4 *a.* Any personnel authorized to administer epinephrine
5 who provide, administer, or assist in the administration
6 of an epinephrine auto-injector to an individual present
7 at the facility who such personnel believe to be having an
8 anaphylactic reaction.

9 *b.* The owner or operator of the facility.

10 *c.* The prescriber of the epinephrine auto-injector.

11 6. The department of public health, the board of medicine,
12 the board of nursing, and the board of pharmacy shall adopt
13 rules pursuant to chapter 17A to implement and administer this
14 section, including but not limited to standards and procedures
15 for the prescription, distribution, storage, replacement, and
16 administration of epinephrine auto-injectors, and for training
17 and authorization to be required for personnel authorized to
18 administer epinephrine.

19 Sec. 2. Section 280.16, Code 2015, is amended to read as
20 follows:

21 **280.16 Self-administration of asthma or other airway**
22 **constricting disease medication or epinephrine auto-injectors.**

23 1. *Definitions.* For purposes of this section:

24 *a.* "Epinephrine auto-injector" means a medical device for
25 immediate self-administration or administration by another
26 trained individual of a measured dose of epinephrine to a
27 person at risk of anaphylaxis.

28 *b.* "Licensed health care professional" means a person
29 licensed under chapter 148 to practice medicine and surgery or
30 osteopathic medicine and surgery, an advanced registered nurse
31 practitioner licensed under chapter 152 or 152E and registered
32 with the board of nursing, or a physician assistant licensed to
33 practice under the supervision of a physician as authorized in
34 chapters 147 and 148C.

35 ~~*a.*~~ *c.* "Medication" means a drug that meets the definition

1 provided in section 126.2, subsection 8, has an individual
2 prescription label, is prescribed by a physician licensed
3 health care professional for a student, and pertains to the
4 student's asthma or other airway constricting disease or risk
5 of anaphylaxis.

6 ~~*b.* "Physician" means a person licensed under chapter~~
7 ~~148, or a physician's assistant, advanced registered nurse~~
8 ~~practitioner, or other person licensed or registered to~~
9 ~~distribute or dispense a prescription drug or device in the~~
10 ~~course of professional practice in this state in accordance~~
11 ~~with section 147.107, or a person licensed by another state~~
12 ~~in a health field in which, under Iowa law, licensees in this~~
13 ~~state may legally prescribe drugs.~~

14 ~~*e.* *d.* "Self-administration" means a student's discretionary~~
15 ~~use of medication prescribed by a physician licensed health~~
16 ~~care professional for the student.~~

17 2. The board of directors of a school district and the
18 authorities in charge of an accredited nonpublic school shall
19 permit the self-administration of medication by a student
20 with asthma or other airway constricting disease or the use
21 of an epinephrine auto-injector by a student with a risk of
22 anaphylaxis if the following conditions are met:

23 *a.* The student's parent or guardian provides to the school
24 written authorization for the self-administration of medication
25 or for the use of an epinephrine auto-injector.

26 *b.* The student's parent or guardian provides to the school
27 a written statement from the student's physician containing the
28 following information:

29 (1) The name and purpose of the medication or epinephrine
30 auto-injector.

31 (2) The prescribed dosage.

32 (3) The times at which or the special circumstances under
33 which the medication or epinephrine auto-injector is to be
34 administered.

35 *c.* The parent or guardian and the school meet the

1 requirements of subsection 3.

2 3. The school district or accredited nonpublic school
3 shall notify the parent or guardian of the student, in
4 writing, that the school district or accredited nonpublic
5 school and its employees are to incur no liability, except
6 for gross negligence, as a result of any injury arising from
7 self-administration of medication or use of an epinephrine
8 auto-injector by the student. The parent or guardian of the
9 student shall sign a statement acknowledging that the school
10 district or nonpublic school is to incur no liability, except
11 for gross negligence, as a result of self-administration of
12 medication or use of an epinephrine auto-injector by the
13 student. A school district or accredited nonpublic school
14 and its employees acting reasonably and in good faith shall
15 incur no liability for any improper use of medication or an
16 epinephrine auto-injector as defined in this section or for
17 supervising, monitoring, or interfering with a student's
18 self-administration of medication or use of an epinephrine
19 auto-injector as defined in this section.

20 4. The permission for self-administration of medication
21 or use of an epinephrine auto-injector is effective for the
22 school year for which it is granted and shall be renewed each
23 subsequent school year upon fulfillment of the requirements
24 of this section. However, the parent or guardian shall
25 immediately notify the school of any changes in the conditions
26 listed under subsection 2.

27 5. Provided that the requirements of this section are
28 fulfilled, a student with asthma or other airway constricting
29 disease may possess and use the student's medication and a
30 student with a written statement from a licensed health care
31 professional on file pursuant to subsection 2, paragraph
32 "a", may use an epinephrine auto-injector while in school,
33 at school-sponsored activities, under the supervision
34 of school personnel, and before or after normal school
35 activities, such as while in before-school or after-school

1 care on school-operated property. If the student misuses
2 this privilege, the privilege may be withdrawn. A school
3 district or nonpublic school shall notify a student's parent or
4 guardian before withdrawing the privilege to use an epinephrine
5 auto-injector.

6 6. Information provided to the school under subsection 2
7 shall be kept on file in the office of the school nurse or, in
8 the absence of a school nurse, the school's administrator.

9 7. The Iowa braille and sight saving school, the state
10 school for the deaf, and the institutions under the control of
11 the department of human services as provided in section 218.1
12 are exempt from the provisions of this section.

13 Sec. 3. NEW SECTION. **280.16A Epinephrine auto-injector**
14 **supply.**

15 1. For purposes of this section, unless the context
16 otherwise requires:

17 a. *"Epinephrine auto-injector"* means the same as provided
18 in section 280.16.

19 b. *"Licensed health care professional"* means the same as
20 provided in section 280.16.

21 c. *"Personnel authorized to administer epinephrine"*
22 means a school nurse or other employee of a school district
23 or accredited nonpublic school trained and authorized to
24 administer an epinephrine auto-injector.

25 2. Notwithstanding any other provision of law to the
26 contrary, a licensed health care provider may prescribe
27 epinephrine auto-injectors in the name of a school district
28 or accredited nonpublic school to be maintained for use as
29 provided in this section.

30 3. The board of directors in charge of each school district
31 and the authorities in charge of each accredited nonpublic
32 school may obtain a prescription for epinephrine auto-injectors
33 and maintain a supply of such auto-injectors in a secure
34 location at each school for use as provided in this section.
35 The board and the authorities shall replace epinephrine

1 auto-injectors in the supply upon use or expiration. Personnel
2 authorized to administer epinephrine may possess and administer
3 epinephrine auto-injectors from the supply as provided in this
4 section.

5 4. Personnel authorized to administer epinephrine may
6 provide or administer an epinephrine auto-injector from the
7 school's supply to a student or other individual if such
8 personnel reasonably and in good faith believe the student or
9 other individual is having an anaphylactic reaction.

10 5. The following persons, provided they have acted
11 reasonably and in good faith, shall not be liable for
12 any injury arising from the provision, administration,
13 or assistance in the administration of an epinephrine
14 auto-injector as provided in this section:

15 a. Any personnel authorized to administer epinephrine who
16 provide, administer, or assist in the administration of an
17 epinephrine auto-injector to a student or other individual
18 present at the school who such personnel believe to be having
19 an anaphylactic reaction.

20 b. A school district or accredited nonpublic school
21 employing the personnel.

22 c. The board of directors in charge of the school district
23 or authorities in charge of the accredited nonpublic school.

24 d. The prescriber of the epinephrine auto-injector.

25 6. The department of education, the board of medicine,
26 the board of nursing, and the board of pharmacy shall, in
27 consultation with an organization representing school nurses,
28 adopt rules pursuant to chapter 17A to implement and administer
29 this section, including but not limited to standards and
30 procedures for the prescription, distribution, storage,
31 replacement, and administration of epinephrine auto-injectors,
32 and for training and authorization to be required for personnel
33 authorized to administer epinephrine.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill permits the board of directors in charge of
3 each school district and the authorities in charge of an
4 accredited nonpublic school to maintain in a secure location
5 at each school a supply of epinephrine auto-injectors for
6 use as provided in the bill. The bill requires the board
7 and authorities to replace epinephrine auto-injectors in the
8 supply upon use or expiration. The bill permits the board
9 and authorities to obtain a prescription for epinephrine
10 auto-injectors for use as provided in the bill. The bill
11 permits personnel authorized to administer epinephrine
12 to possess and administer epinephrine auto-injectors from
13 the supply as provided in the bill. The bill permits a
14 licensed health care professional to prescribe epinephrine
15 auto-injectors in the name of a school district or accredited
16 nonpublic school to be maintained for use as provided in
17 the bill, notwithstanding any other provision of law to the
18 contrary.

19 The bill permits personnel authorized to administer
20 epinephrine to provide or administer an epinephrine
21 auto-injector from a school's supply to a student or
22 other individual if such personnel reasonably and in good
23 faith believe the student or other individual is having an
24 anaphylactic reaction.

25 The bill provides immunity from legal liability to any
26 personnel authorized to administer epinephrine who provide,
27 administer, or assist in the administration of an epinephrine
28 auto-injector to a student or other individual who such
29 personnel reasonably and in good faith believe to be having
30 an anaphylactic reaction; a school district or accredited
31 nonpublic school employing the personnel; the board of
32 directors in charge of the school district or authorities in
33 charge of the accredited nonpublic school; or the prescriber of
34 the epinephrine auto-injector, for any injury arising from the
35 provision, administration, or assistance in the administration

1 of an epinephrine auto-injector as provided in the bill,
2 provided such persons acted reasonably and in good faith.

3 The bill defines "epinephrine auto-injector" as a medical
4 device for immediate self-administration or administration by
5 another trained individual of a measured dose of epinephrine to
6 a person at risk of anaphylaxis. The bill defines "personnel
7 authorized to administer epinephrine" as an employee who
8 is trained and authorized to administer an epinephrine
9 auto-injector. The bill defines "licensed health care
10 professional" as a person licensed under Code chapter 148 to
11 practice medicine and surgery or osteopathic medicine and
12 surgery, an advanced registered nurse practitioner licensed
13 under Code chapter 152 or 152E and registered with the board of
14 nursing, or a physician assistant licensed to practice under
15 the supervision of a physician as authorized in Code chapters
16 147 and 148C.

17 The bill permits certain facilities to maintain a supply of
18 epinephrine auto-injectors in the same fashion at locations
19 where members of the public may be present, with the same
20 duties, powers, and immunities relating to maintaining a
21 supply of epinephrine auto-injectors and administering the
22 auto-injectors applying if the facility chooses to do so. The
23 bill defines "facility" as a food establishment as defined in
24 Code section 137F.1, a carnival as defined in Code section
25 88A.1, a recreational camp, a youth sports facility, or a
26 sports area.

27 The bill requires the department of education, the
28 department of public health, the board of medicine, the
29 board of nursing, and the board of pharmacy to adopt rules to
30 implement and administer the bill, including but not limited to
31 standards and procedures for the prescription, distribution,
32 storage, replacement, and administration of epinephrine
33 auto-injectors, and for training and authorization to be
34 required for personnel authorized to administer epinephrine
35 auto-injectors.

1 The bill also adds epinephrine auto-injectors to Code
2 section 280.16, which permits self-administration of medication
3 in public and nonpublic schools by students with asthma.

4 The bill requires school districts and nonpublic schools to
5 allow the use of an epinephrine auto-injector by a student with
6 a risk of anaphylaxis with a written statement from a licensed
7 health care professional on file if the school receives
8 written authorization and certain medical information from the
9 student's parent or guardian.

10 The bill permits a student with a written statement from a
11 licensed health care professional on file to possess and use an
12 epinephrine auto-injector while in school, at school-sponsored
13 activities, under the supervision of school personnel, and
14 before or after normal school activities, such as while in
15 before-school or after-school care on school-operated property.
16 The bill requires a school district or nonpublic school to
17 notify a student's parent or guardian before withdrawing the
18 privilege to use an epinephrine auto-injector.

19 The bill adds epinephrine auto-injectors to the provisions
20 of Code section 280.16 granting immunity from legal liability
21 to school employees, except for gross negligence, for injuries
22 resulting from the self-administration of medication. Code
23 section 280.16 requires a student's parent or guardian to
24 receive notice of such immunity.