

**Senate Study Bill 1244 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MATHIS)

(COMPANION TO HF 200 BY  
MASCHER)

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

13 d. "*Physician*" means the same as provided in section 280.16.

14 2. Notwithstanding any other provision of law to the  
15 contrary, a physician may prescribe epinephrine auto-injectors  
16 in the name of a facility to be maintained for use as provided  
17 in this section.

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

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

32 5. Any personnel authorized to administer epinephrine  
33 who provide, administer, or assist in the administration of  
34 an epinephrine auto-injector to an individual present at the  
35 facility who such personnel reasonably and in good faith

1 believe to be having an anaphylactic reaction; a facility  
2 employing the personnel; the owner or operator of the facility;  
3 or the prescriber of the epinephrine auto-injector, shall  
4 incur no liability, except for gross negligence, as a result  
5 of any injury arising from the provision, administration,  
6 or assistance in the administration of an epinephrine  
7 auto-injector as provided in this section.

8 6. The department of public health, the board of medicine,  
9 and the board of pharmacy shall adopt rules pursuant to chapter  
10 17A to implement and administer this section, including but  
11 not limited to standards and procedures for the prescription,  
12 distribution, storage, replacement, and administration of  
13 epinephrine auto-injectors, and for training and authorization  
14 to be required for personnel authorized to administer  
15 epinephrine.

16 Sec. 2. Section 280.16, Code 2015, is amended to read as  
17 follows:

18 **280.16 Self-administration of ~~asthma or other airway~~**  
19 **constricting disease medication certain medications.**

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

21 a. "Epinephrine auto-injector" means a medical device for  
22 immediate self-administration of a measured dose of epinephrine  
23 by a person at risk of anaphylaxis.

24 ~~a.~~ b. "Medication" means a drug that meets the definition  
25 provided in section 126.2, subsection 8, has an individual  
26 prescription label, is prescribed by a physician for a  
27 student, and pertains to the student's asthma or other airway  
28 constricting disease.

29 ~~b.~~ c. "Physician" means a person licensed under chapter  
30 148, or a physician's assistant, advanced registered nurse  
31 practitioner, or other person licensed or registered to  
32 distribute or dispense a prescription drug or device in the  
33 course of professional practice in this state in accordance  
34 with section 147.107, or a person licensed by another state  
35 in a health field in which, under Iowa law, licensees in this

1 state may legally prescribe drugs.

2 ~~e.~~ d. "Self-administration" means a student's discretionary  
3 use of medication prescribed by a physician for the student.

4 2. The board of directors of a school district and the  
5 authorities in charge of an accredited nonpublic school shall  
6 permit the self-administration of medication by a student  
7 with asthma or other airway constricting disease or the use  
8 of an epinephrine auto-injector by a student if the following  
9 conditions are met:

10 a. The student's parent or guardian provides to the school  
11 written authorization for the self-administration of medication  
12 or for the use of an epinephrine auto-injector.

13 b. The student's parent or guardian provides to the school  
14 a written statement from the student's physician containing the  
15 following information:

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

18 (2) The prescribed dosage.

19 (3) The times at which or the special circumstances under  
20 which the medication or epinephrine auto-injector is to be  
21 administered.

22 c. The parent or guardian and the school meet the  
23 requirements of subsection 3.

24 3. The school district or accredited nonpublic school  
25 shall notify the parent or guardian of the student, in  
26 writing, that the school district or accredited nonpublic  
27 school and its employees are to incur no liability, except  
28 for gross negligence, as a result of any injury arising from  
29 self-administration of medication or use of an epinephrine  
30 auto-injector by the student. The parent or guardian of the  
31 student shall sign a statement acknowledging that the school  
32 district or nonpublic school is to incur no liability, except  
33 for gross negligence, as a result of self-administration of  
34 medication or use of an epinephrine auto-injector by the  
35 student. A school district or accredited nonpublic school

1 and its employees acting reasonably and in good faith shall  
2 incur no liability for any improper use of medication or an  
3 epinephrine auto-injector as defined in this section or for  
4 supervising, monitoring, or interfering with a student's  
5 self-administration of medication or use of an epinephrine  
6 auto-injector as defined in this section.

7 4. The permission for self-administration of medication  
8 or use of an epinephrine auto-injector is effective for the  
9 school year for which it is granted and shall be renewed each  
10 subsequent school year upon fulfillment of the requirements  
11 of this section. However, the parent or guardian shall  
12 immediately notify the school of any changes in the conditions  
13 listed under subsection 2.

14 5. Provided that the requirements of this section are  
15 fulfilled, a student with asthma or other airway constricting  
16 disease may possess and use the student's medication and a  
17 student with a written statement from a physician on file  
18 pursuant to subsection 2, paragraph "a", may use an epinephrine  
19 auto-injector while in school, at school-sponsored activities,  
20 under the supervision of school personnel, and before or after  
21 normal school activities, such as while in before-school or  
22 after-school care on school-operated property. If the student  
23 misuses this privilege, the privilege may be withdrawn. A  
24 school district or nonpublic school shall notify a student's  
25 parent or guardian before withdrawing the privilege to use an  
26 epinephrine auto-injector.

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

30 7. The Iowa braille and sight saving school, the state  
31 school for the deaf, and the institutions under the control of  
32 the department of human services as provided in section 218.1  
33 are exempt from the provisions of this section.

34 Sec. 3. NEW SECTION. 280.16A Epinephrine auto-injector  
35 supply.

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

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

5 b. "*Personnel authorized to administer epinephrine*"  
6 means a school nurse or other employee of a school district  
7 or accredited nonpublic school trained and authorized to  
8 administer an epinephrine auto-injector.

9 c. "*Physician*" means the same as provided in section 280.16.

10 2. Notwithstanding any other provision of law to the  
11 contrary, a physician may prescribe epinephrine auto-injectors  
12 in the name of a school district or accredited nonpublic school  
13 to be maintained for use as provided in this section.

14 3. The board of directors in charge of each school district  
15 and the authorities in charge of each accredited nonpublic  
16 school may obtain a prescription for epinephrine auto-injectors  
17 and maintain a supply of such auto-injectors in a secure  
18 location at each school for use as provided in this section.  
19 The board and the authorities shall replace epinephrine  
20 auto-injectors in the supply upon use or expiration. Personnel  
21 authorized to administer epinephrine may possess and administer  
22 epinephrine auto-injectors from the supply as provided in this  
23 section.

24 4. Personnel authorized to administer epinephrine may  
25 provide or administer an epinephrine auto-injector from the  
26 school's supply to a student if such personnel reasonably and  
27 in good faith believe the student is having an anaphylactic  
28 reaction.

29 5. Any personnel authorized to administer epinephrine  
30 who provide, administer, or assist in the administration  
31 of an epinephrine auto-injector to a student who such  
32 personnel reasonably and in good faith believe to be having  
33 an anaphylactic reaction; a school district or accredited  
34 nonpublic school employing the personnel; the board of  
35 directors in charge of the school district or authorities in

1 charge of the accredited nonpublic school; or the prescriber  
2 of the epinephrine auto-injector, shall incur no liability,  
3 except for gross negligence, as a result of any injury arising  
4 from the provision, administration, or assistance in the  
5 administration of an epinephrine auto-injector as provided in  
6 this section.

7 6. The department of education, the board of medicine, and  
8 the board of pharmacy shall adopt rules pursuant to chapter  
9 17A to implement and administer this section, including but  
10 not limited to standards and procedures for the prescription,  
11 distribution, storage, replacement, and administration of  
12 epinephrine auto-injectors, and for training and authorization  
13 to be required for personnel authorized to administer  
14 epinephrine.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill permits the board of directors in charge of  
19 each school district and the authorities in charge of an  
20 accredited nonpublic school to maintain in a secure location  
21 at each school a supply of epinephrine auto-injectors for  
22 use as provided in the bill. The bill requires the board  
23 and authorities to replace epinephrine auto-injectors in the  
24 supply upon use or expiration. The bill permits the board  
25 and authorities to obtain a prescription for epinephrine  
26 auto-injectors for use as provided in the bill. The bill  
27 permits personnel authorized to administer epinephrine to  
28 possess and administer epinephrine auto-injectors from the  
29 supply as provided in the bill. The bill permits a physician  
30 to prescribe epinephrine auto-injectors in the name of a school  
31 district or accredited nonpublic school to be maintained  
32 for use as provided in the bill, notwithstanding any other  
33 provision of law to the contrary.

34 The bill permits personnel authorized to administer  
35 epinephrine to provide or administer an epinephrine

1 auto-injector from a school's supply to a student if such  
2 personnel reasonably and in good faith believe the student is  
3 having an anaphylactic reaction.

4 The bill provides immunity from legal liability, except for  
5 gross negligence, to any personnel authorized to administer  
6 epinephrine who provide, administer, or assist in the  
7 administration of an epinephrine auto-injector to a student  
8 who such personnel reasonably and in good faith believe to  
9 be having an anaphylactic reaction; a school district or  
10 accredited nonpublic school employing the personnel; the board  
11 of directors in charge of the school district or authorities in  
12 charge of the accredited nonpublic school; or the prescriber of  
13 the epinephrine auto-injector, for any injury arising from the  
14 provision, administration, or assistance in the administration  
15 of an epinephrine auto-injector as provided in the bill.

16 The bill defines "epinephrine auto-injector" as a medical  
17 device for immediate self-administration of a measured dose  
18 of epinephrine by a person at risk of anaphylaxis. The bill  
19 defines "personnel authorized to administer epinephrine" as  
20 an employee who is trained and authorized to administer an  
21 epinephrine auto-injector.

22 The bill permits certain facilities to maintain a supply of  
23 epinephrine auto-injectors in the same fashion at locations  
24 where members of the public may be present, with the same  
25 duties, powers, and immunities relating to maintaining a  
26 supply of epinephrine auto-injectors and administering the  
27 auto-injectors applying if the facility chooses to do so. The  
28 bill defines "facility" as a food establishment as defined in  
29 Code section 137F.1, a carnival as defined in Code section  
30 88A.1, a recreational camp, a youth sports facility, or a  
31 sports area.

32 The bill requires the department of education, the  
33 department of public health, the board of medicine, and the  
34 board of pharmacy to adopt rules to implement and administer  
35 the bill, including but not limited to standards and procedures



1 for the prescription, distribution, storage, replacement, and  
2 administration of epinephrine auto-injectors, and for training  
3 and authorization to be required for personnel authorized to  
4 administer epinephrine auto-injectors.

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

8 The bill requires school districts and nonpublic schools  
9 to allow the use of an epinephrine auto-injector by a student  
10 with a written statement from a physician on file if the school  
11 receives written authorization and certain medical information  
12 from the student's parent or guardian.

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

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