

Senate File 462 - Reprinted

SENATE FILE 462
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1244)

(As Amended and Passed by the Senate March 17, 2015)

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

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

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

33 5. The following persons, provided they have acted
34 reasonably and in good faith, shall not be liable for
35 any injury arising from the provision, administration,

1 or assistance in the administration of an epinephrine
2 auto-injector as provided in this section:

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

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

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

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

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

20 **280.16 Self-administration of asthma or other airway**
21 **constricting disease medication or epinephrine auto-injectors.**

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

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

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

34 ~~*a.*~~ *c.* "Medication" means a drug that meets the definition
35 provided in section 126.2, subsection 8, has an individual

1 prescription label, is prescribed by a physician licensed
2 health care professional for a student, and pertains to the
3 student's asthma or other airway constricting disease or risk
4 of anaphylaxis.

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

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

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

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

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

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

30 (2) The prescribed dosage.

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

34 *c.* The parent or guardian and the school meet the
35 requirements of subsection 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 authorized to administer epinephrine may possess and administer
2 epinephrine auto-injectors from the supply as provided in this
3 section.

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

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

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

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

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

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

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