

AN ACT
RELATING TO THE MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE
IN SCHOOLS AND CERTAIN OTHER FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

d. "Personnel authorized to administer epinephrine" means an employee or agent of a facility who is trained and authorized to administer an epinephrine auto-injector.

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

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

section.

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

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

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

b. The owner or operator of the facility.

c. The prescriber of the epinephrine auto-injector.

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

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

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

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

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

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

a. c. "Medication" means a drug that meets the definition

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

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

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

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

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

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

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

(2) The prescribed dosage.

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

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

3. The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication or use of an epinephrine auto-injector by the student. The parent or guardian of the

student shall sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for gross negligence, as a result of self-administration of medication or use of an epinephrine auto-injector by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication or an epinephrine auto-injector as defined in this section or for supervising, monitoring, or interfering with a student's self-administration of medication or use of an epinephrine auto-injector as defined in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The prescriber of the epinephrine auto-injector.

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

PAM JOCHUM
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 462, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2015

TERRY E. BRANSTAD
Governor