

House File 2469 - Introduced

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BY T. OLSON

A BILL FOR

1 An Act concerning the administration of epinephrine in public
2 and nonpublic schools, and including effective date and
3 applicability provisions.

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

1 Section 1. Section 280.16, Code 2011, is amended to read as
2 follows:

3 **280.16 Self-administration of asthma or other airway**
4 **constricting disease medication, or epinephrine auto-injectors.**

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

6 *a. "Epinephrine auto-injector" means a medical device for*
7 *immediate self-administration of a measured dose of epinephrine*
8 *by a person at risk of anaphylaxis.*

9 *~~a.~~ b. "Medication" means a drug that meets the definition*
10 *provided in section 126.2, subsection 8, has an individual*
11 *prescription label, is prescribed by a physician for a*
12 *student, and pertains to the student's asthma or other airway*
13 *constricting disease.*

14 *~~b.~~ c. "Physician" means a person licensed under chapter*
15 *148, or a physician's assistant, advanced registered nurse*
16 *practitioner, or other person licensed or registered to*
17 *distribute or dispense a prescription drug or device in the*
18 *course of professional practice in this state in accordance*
19 *with section 147.107, or a person licensed by another state*
20 *in a health field in which, under Iowa law, licensees in this*
21 *state may legally prescribe drugs.*

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

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

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

33 *b.* The student's parent or guardian provides to the school
34 a written statement from the student's physician containing the
35 following information:

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

3 (2) The prescribed dosage.

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

7 c. The parent or guardian and the school meet the
8 requirements of subsection ~~3~~ 5.

9 3. The board of directors of a school district and the
10 authorities in charge of a nonpublic school may authorize
11 the provision of an epinephrine auto-injector that meets
12 a student's prescription on file to the student or to any
13 personnel legally authorized to administer an epinephrine
14 auto-injector to the student.

15 4. The board of directors of a school district and the
16 authorities in charge of a nonpublic school may authorize a
17 school nurse to do any of the following:

18 a. Provide an epinephrine auto-injector that meets a
19 student's prescription on file to the student or any personnel
20 legally authorized to administer an epinephrine auto-injector
21 to the student.

22 b. Administer an epinephrine auto-injector that meets the
23 student's prescription on file to any student for whom the use
24 of epinephrine auto-injector is legally authorized.

25 c. Administer an epinephrine auto-injector to any
26 student whom the school nurse reasonably and in good faith
27 professionally believes is having an anaphylactic reaction.

28 ~~3.~~ 5. a. The school district or accredited nonpublic
29 school shall notify the parent or guardian of the student,
30 in writing, that the school district or accredited nonpublic
31 school and its employees are to incur no liability, except
32 for gross negligence, as a result of any injury arising from
33 self-administration of medication ~~by the student~~ or use of an
34 epinephrine auto-injector pursuant to the provisions of this
35 section. The parent or guardian of the student shall sign a

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

11 b. If a school nurse administers an epinephrine
12 auto-injector to a student whom the school nurse reasonably and
13 in good faith professionally believes is having an anaphylactic
14 reaction, notwithstanding the lack of notice to the parent
15 or guardian of the student or the absence of the parent's or
16 guardian's signed statement acknowledging no liability, the
17 school district or nonpublic school and its employees shall
18 not be liable, except for negligence, as a result of any
19 injury arising from the use of an epinephrine auto-injector,
20 regardless of whether authorization was given by the student's
21 parent or guardian for such administration.

22 ~~4.~~ 6. The permission for self-administration of medication
23 or use of an epinephrine auto-injector is effective for the
24 school year for which it is granted and shall be renewed each
25 subsequent school year upon fulfillment of the requirements
26 of this section. However, the parent or guardian shall
27 immediately notify the school of any changes in the conditions
28 listed under subsection 2.

29 ~~5.~~ 7. Provided that the requirements of this section are
30 fulfilled, a student with asthma or other airway constricting
31 disease may possess and use the student's medication and a
32 student with a prescription on file may use an epinephrine
33 auto-injector while in school, at school-sponsored activities,
34 under the supervision of school personnel, and before or after
35 normal school activities, such as while in before-school or

1 after-school care on school-operated property. If the student
2 misuses this privilege, the privilege may be withdrawn.

3 8. Notwithstanding any other provision of law to the
4 contrary, a physician may prescribe pursuant to a standing
5 protocol epinephrine auto-injectors in the name of the
6 school district or nonpublic school to be maintained for use
7 when necessary. A school district or nonpublic school with
8 such a prescription may maintain at a school in a locked,
9 secure location a supply of epinephrine auto-injectors. The
10 school district or nonpublic school supply of epinephrine
11 auto-injectors may be provided to and utilized by any student
12 authorized to self-administer an epinephrine auto-injector by
13 any personnel legally authorized to administer an epinephrine
14 auto-injector to the student, if the epinephrine auto-injector
15 meets the student's prescription on file. When a student does
16 not have an epinephrine auto-injector or a prescription for an
17 epinephrine auto-injector on file, the school nurse may utilize
18 the school district or nonpublic school supply of epinephrine
19 auto-injectors to respond to anaphylactic reaction under a
20 standing protocol from a physician and the requirements of this
21 section.

22 ~~6.~~ 9. Information provided to the school under subsection 2
23 shall be kept on file in the office of the school nurse or, in
24 the absence of a school nurse, the school's administrator.

25 ~~7.~~ 10. The Iowa braille and sight saving school, the state
26 school for the deaf, and the institutions under the control of
27 the department of human services as provided in section 218.1
28 are exempt from the provisions of this section.

29 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 Sec. 3. APPLICABILITY. This Act shall apply to school years
32 beginning on or after July 1, 2012.

33 EXPLANATION

34 This bill adds epinephrine auto-injectors to Code section
35 280.16, which permits self-administration of medication

1 in school by students with asthma. The bill defines
2 "epinephrine auto-injector" as a medical device for immediate
3 self-administration of a measured dose of epinephrine by a
4 person at risk of anaphylaxis.

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

10 The bill provides that a school district or nonpublic school
11 may authorize the provision of an epinephrine auto-injector
12 that meets a student's prescription on file to the student
13 or to any personnel legally authorized to administer an
14 epinephrine auto-injector to the student. The bill provides
15 that a school district or nonpublic school may authorize a
16 school nurse to provide an epinephrine auto-injector to a
17 student or any personnel legally authorized to administer
18 an epinephrine auto-injector to the student; administer an
19 epinephrine auto-injector to any student for whom the use of
20 epinephrine auto-injector is legally authorized; or administer
21 an epinephrine auto-injector to any student whom the school
22 nurse reasonably and in good faith professionally believes is
23 having an anaphylactic reaction.

24 The bill adds epinephrine auto-injectors to the provisions
25 of Code section 280.16 granting immunity from legal liability
26 to school employees, except for gross negligence, for injuries
27 resulting from the self-administration of medication. Code
28 section 280.16 requires a student's parent or guardian to
29 receive notice of such immunity. The bill also grants immunity
30 from legal liability, except for negligence, to a school nurse
31 who administers an epinephrine auto-injector to a student whom
32 the school nurse reasonably and in good faith professionally
33 believes is having an anaphylactic reaction, even if prior
34 notice to the student's parent or guardian has not been given.

35 The bill permits a student with a prescription on file to

1 possess and use an epinephrine auto-injector while in school,
2 at school-sponsored activities, under the supervision of school
3 personnel, and before or after normal school activities,
4 such as while in before-school or after-school care on
5 school-operated property.

6 The bill provides that a school district or nonpublic
7 school may maintain at a school in a locked, secure location
8 a supply of epinephrine auto-injectors. The bill provides
9 that a physician may prescribe epinephrine auto-injectors in
10 the name of the school district or nonpublic school to be
11 maintained for use when necessary. The bill provides that the
12 school's supply of epinephrine auto-injectors may be provided
13 to and utilized by any student authorized to self-administer an
14 epinephrine auto-injector by any personnel legally authorized
15 to administer an epinephrine auto-injector to the student, if
16 the epinephrine auto-injector meets the student's prescription
17 on file. The bill provides that when a student does not
18 have an epinephrine auto-injector or a prescription for an
19 epinephrine auto-injector on file, the school nurse may utilize
20 the school district or nonpublic school supply of epinephrine
21 auto-injectors to respond to anaphylactic reaction under a
22 standing protocol from a physician and the requirements of the
23 bill.

24 The bill takes effect upon enactment and applies to school
25 years beginning on or after July 1, 2012.