

**House File 2044 - Introduced**

HOUSE FILE 2044

BY KAUFMANN

**A BILL FOR**

1 An Act relating to the maintenance and administration of  
2 epinephrine in schools and certain service providers  
3 regulated by the department of human services.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 217.37 **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. "Personnel authorized to administer epinephrine"* means an  
8 employee of a provider trained and authorized to administer an  
9 epinephrine auto-injector.

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

11 *d. "Provider"* means a person who is a service provider who  
12 is registered, approved, licensed, or regulated in accordance  
13 with rules adopted by the department of human services or who  
14 is reimbursed in whole or in part with funding administered by  
15 the department. *"Provider"* includes but is not limited to a  
16 child care provider, a family or group foster care provider,  
17 a shelter care provider, a hospital, a mental health or  
18 substance-related disorder service provider, an institutional  
19 or home and community-based services waiver provider or other  
20 health care provider that receives Medicaid funding, a regional  
21 mental health and disability service system, or a state  
22 institution administered by the department.

23 2. Notwithstanding any other provision of law to the  
24 contrary, a physician may prescribe epinephrine auto-injectors  
25 in the name of a provider to be maintained for use as provided  
26 in this section.

27 3. A provider may obtain a prescription for epinephrine  
28 auto-injectors and maintain a supply of such auto-injectors  
29 in a secure location at each location where an individual  
30 receives, treatment, care, or supervision from the provider  
31 for use as provided in this section. A provider who obtains  
32 such a prescription shall replace epinephrine auto-injectors  
33 in the supply upon use or expiration. Personnel authorized to  
34 administer epinephrine may possess and administer epinephrine  
35 auto-injectors from the supply as provided in this section.

1 4. Personnel authorized to administer epinephrine may  
2 provide or administer an epinephrine auto-injector from the  
3 provider's supply to an individual under the treatment, care,  
4 or supervision of the provider if such personnel reasonably and  
5 in good faith believe the individual is having an anaphylactic  
6 reaction.

7 5. Any personnel authorized to administer epinephrine  
8 who provide, administer, or assist in the administration  
9 of an epinephrine auto-injector to an individual receiving  
10 treatment, care, or supervision from the provider who such  
11 personnel reasonably and in good faith believe to be having an  
12 anaphylactic reaction; a provider employing the personnel; the  
13 owner or operator of the provider; or the prescriber of the  
14 epinephrine auto-injector, shall incur no liability, except for  
15 gross negligence, as a result of any injury arising from the  
16 provision, administration, or assistance in the administration  
17 of an epinephrine auto-injector as provided in this section.

18 6. The department of human services, the board of medicine,  
19 and the board of pharmacy shall adopt rules to implement and  
20 administer this section, including but not limited to standards  
21 and procedures for the prescription, distribution, storage,  
22 replacement, and administration of epinephrine auto-injectors,  
23 and for training and authorization to be required for personnel  
24 authorized to administer epinephrine.

25 Sec. 2. Section 280.16, Code 2014, is amended to read as  
26 follows:

27 **280.16 Self-administration of ~~asthma or other airway~~**  
28 **~~constricting disease medication~~ certain medications.**

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

30 a. "Epinephrine auto-injector" means a medical device for  
31 immediate self-administration of a measured dose of epinephrine  
32 by a person at risk of anaphylaxis.

33 ~~a.~~ b. "Medication" means a drug that meets the definition  
34 provided in section 126.2, subsection 8, has an individual  
35 prescription label, is prescribed by a physician for a

1 student, and pertains to the student's asthma or other airway  
2 constricting disease.

3 ~~b.~~ c. "Physician" means a person licensed under chapter  
4 148, or a physician's assistant, advanced registered nurse  
5 practitioner, or other person licensed or registered to  
6 distribute or dispense a prescription drug or device in the  
7 course of professional practice in this state in accordance  
8 with section 147.107, or a person licensed by another state  
9 in a health field in which, under Iowa law, licensees in this  
10 state may legally prescribe drugs.

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

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

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

22 b. The student's parent or guardian provides to the school  
23 a written statement from the student's physician containing the  
24 following information:

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

27 (2) The prescribed dosage.

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

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

33 3. The school district or accredited nonpublic school  
34 shall notify the parent or guardian of the student, in  
35 writing, that the school district or accredited nonpublic

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

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

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

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

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

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

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

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

14 b. "*Personnel authorized to administer epinephrine*" means a  
15 school nurse or other employee of a school district trained and  
16 authorized to administer an epinephrine auto-injector.

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

18 2. Notwithstanding any other provision of law to the  
19 contrary, a physician may prescribe epinephrine auto-injectors  
20 in the name of a school district to be maintained for use as  
21 provided in this section.

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

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

35 5. Any personnel authorized to administer epinephrine

1 who provide, administer, or assist in the administration  
2 of an epinephrine auto-injector to a student who such  
3 personnel reasonably and in good faith believe to be having  
4 an anaphylactic reaction; a school district employing the  
5 personnel; the board of directors in charge of the school  
6 district; or the prescriber of the epinephrine auto-injector,  
7 shall incur no liability, except for gross negligence,  
8 as a result of any injury arising from the provision,  
9 administration, or assistance in the administration of an  
10 epinephrine auto-injector as provided in this section.

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

18 Sec. 4. POLICIES ON ANAPHYLAXIS IN A SCHOOL SETTING. The  
19 department of education shall develop, in collaboration  
20 with the board of medicine and education and health care  
21 stakeholders, policies for the recognition and treatment  
22 of anaphylaxis in a school setting. The director of the  
23 department shall submit a report to the general assembly by  
24 January 1, 2015, recommending any legislation necessary to  
25 improve recognition and treatment of anaphylaxis in a school  
26 setting.

27 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
28 3, shall not apply to this Act.

29 EXPLANATION

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

32 This bill requires the board of directors in charge of each  
33 school district to maintain in a secure location at each school  
34 a supply of epinephrine auto-injectors for use as provided in  
35 the bill. The bill requires the board to replace epinephrine

1 auto-injectors in the supply upon use or expiration. The bill  
2 requires the board to obtain a prescription for epinephrine  
3 auto-injectors for use as provided in the bill. The bill  
4 permits personnel authorized to administer epinephrine to  
5 possess and administer epinephrine auto-injectors from the  
6 supply as provided in the bill. The bill permits a physician  
7 to prescribe epinephrine auto-injectors in the name of a school  
8 district to be maintained for use as provided in the bill,  
9 notwithstanding any other provision of law to the contrary.

10 The bill permits personnel authorized to administer  
11 epinephrine to provide or administer an epinephrine  
12 auto-injector from a school district's supply to a student if  
13 such personnel reasonably and in good faith believe the student  
14 is having an anaphylactic reaction.

15 The bill provides immunity from legal liability, except for  
16 gross negligence, to any personnel authorized to administer  
17 epinephrine who provide, administer, or assist in the  
18 administration of an epinephrine auto-injector to a student  
19 who such personnel reasonably and in good faith believe to be  
20 having an anaphylactic reaction; a school district employing  
21 the personnel; the board of directors in charge of the school  
22 district; or the prescriber of the epinephrine auto-injector,  
23 for any injury arising from the provision, administration,  
24 or assistance in the administration of an epinephrine  
25 auto-injector as provided in the bill.

26 The bill defines "epinephrine auto-injector" as a medical  
27 device for immediate self-administration of a measured dose  
28 of epinephrine by a person at risk of anaphylaxis. The bill  
29 defines "personnel authorized to administer epinephrine" as an  
30 employee trained and authorized to administer an epinephrine  
31 auto-injector.

32 The bill permits a person who is a service provider who is  
33 registered, approved, licensed, or regulated in accordance  
34 with rules adopted by the department of human services or who  
35 is reimbursed in whole or in part with funding administered



1 by the department to maintain a supply of epinephrine  
2 auto-injectors in the same fashion, with the same duties,  
3 powers, and immunities relating to maintaining a supply of  
4 epinephrine auto-injectors and administering the auto-injectors  
5 applying if the provider chooses to do so. The bill specifies  
6 that "provider" includes but is not limited to a child care  
7 provider, a family or group foster care provider, a shelter  
8 care provider, a hospital, a mental health or substance-related  
9 disorder service provider, an institutional or home and  
10 community-based services waiver provider or other health care  
11 provider that receives Medicaid funding, a regional mental  
12 health and disability service system, or a state institution  
13 administered by the department.

14 The bill requires the department of education, the  
15 department of human services, the board of medicine, and the  
16 board of pharmacy to adopt rules to implement and administer  
17 the bill, including but not limited to standards and procedures  
18 for the prescription, distribution, storage, replacement, and  
19 administration of epinephrine auto-injectors, and for training  
20 and authorization to be required for personnel authorized to  
21 administer epinephrine auto-injectors.

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

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

30 The bill permits a student with a written statement  
31 from a physician on file to possess and use an epinephrine  
32 auto-injector while in school, at school-sponsored activities,  
33 under the supervision of school personnel, and before or after  
34 normal school activities, such as while in before-school or  
35 after-school care on school-operated property. The bill

1 requires a school district or nonpublic school to notify a  
2 student's parent or guardian before withdrawing the privilege  
3 to use an epinephrine auto-injector.

4 The bill adds epinephrine auto-injectors to the provisions  
5 of Code section 280.16 granting immunity from legal liability  
6 to school employees, except for gross negligence, for injuries  
7 resulting from the self-administration of medication. Code  
8 section 280.16 requires a student's parent or guardian to  
9 receive notice of such immunity.

10 The bill requires the director of the department of  
11 education to develop, in collaboration with the board of  
12 medicine and education and health care stakeholders, policies  
13 for the recognition and treatment of anaphylaxis in a school  
14 setting. The bill requires the director to submit a report  
15 to the general assembly by January 1, 2015, recommending any  
16 legislation necessary to improve recognition and treatment of  
17 anaphylaxis in a school setting.

18 The bill may include a state mandate as defined in Code  
19 section 25B.3. The bill makes inapplicable Code section 25B.2,  
20 subsection 3, which would relieve a political subdivision from  
21 complying with a state mandate if funding for the cost of  
22 the state mandate is not provided or specified. Therefore,  
23 political subdivisions are required to comply with any state  
24 mandate included in the bill.