

House File 2167 - Introduced

HOUSE FILE 2167

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 an
11 employee of a facility trained and authorized to administer an
12 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 to implement and
10 administer this section, including but not limited to standards
11 and procedures for the prescription, distribution, storage,
12 replacement, and administration of epinephrine auto-injectors,
13 and for training and authorization to be required for personnel
14 authorized to administer epinephrine.

15 Sec. 2. Section 280.16, Code 2014, is amended to read as
16 follows:

17 **280.16 Self-administration of ~~asthma or other airway~~**
18 **~~constricting disease medication~~ certain medications.**

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

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

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

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

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

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

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

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

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

17 (2) The prescribed dosage.

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

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

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

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

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

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

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

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

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

35 1. For purposes of this section, unless the context

1 otherwise requires:

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

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

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

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

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

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

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

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

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

13 EXPLANATION

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

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

32 The bill permits personnel authorized to administer
33 epinephrine to provide or administer an epinephrine
34 auto-injector from a school's supply to a student if such
35 personnel reasonably and in good faith believe the student is

1 having an anaphylactic reaction.

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

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

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

30 The bill requires the department of education, the
31 department of public health, the board of medicine, and the
32 board of pharmacy to adopt rules to implement and administer
33 the bill, including but not limited to standards and procedures
34 for the prescription, distribution, storage, replacement, and
35 administration of epinephrine auto-injectors, and for training

1 and authorization to be required for personnel authorized to
2 administer epinephrine auto-injectors.

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

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

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

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