

House File 2392 - Introduced

HOUSE FILE 2392
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 611)

A BILL FOR

1 An Act relating to the administration of epinephrine in
2 schools.

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

1 Section 1. Section 280.16, Code 2014, is amended to read as
2 follows:

3 **280.16 Self-administration of ~~asthma or other airway~~**
4 **~~constricting disease medication~~ certain medications.**

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 ~~*b.*~~ *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 ~~*c.*~~ *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 ~~*d.*~~ *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.

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

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

34 5. Provided that the requirements of this section are
35 fulfilled, a student with asthma or other airway constricting

1 disease may possess and use the student's medication and a
2 student with a written statement from a physician on file
3 pursuant to subsection 2, paragraph "a" may use an epinephrine
4 auto-injector while in school, at school-sponsored activities,
5 under the supervision of school personnel, and before or after
6 normal school activities, such as while in before-school or
7 after-school care on school-operated property. If the student
8 misuses this privilege, the privilege may be withdrawn. A
9 school district or nonpublic school shall notify a student's
10 parent or guardian before withdrawing the privilege to use an
11 epinephrine auto-injector.

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

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

19 Sec. 2. EPINEPHRINE IN SCHOOLS — STUDY AND REPORT. The
20 department of public health, in consultation with education
21 and health care stakeholders, shall conduct a study of the
22 federal School Access to Emergency Epinephrine Act, Pub. L.
23 No. 113-48, and how its provisions can be implemented in this
24 state, including but not limited to procedures for the use
25 of epinephrine auto-injectors in schools, training of school
26 personnel, liability protections, reporting requirements, and
27 consent requirements. The department shall submit a report on
28 its findings and recommendations to the general assembly by
29 January 1, 2015.

30 EXPLANATION

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

33 This bill adds epinephrine auto-injectors to Code section
34 280.16, which permits self-administration of medication in
35 public and nonpublic schools by students with asthma.

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

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

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

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

24 The bill directs the department of public health, in
25 consultation with education and health care stakeholders, to
26 conduct a study of the federal School Access to Emergency
27 Epinephrine Act, and how its provisions can be implemented in
28 this state, including but not limited to procedures for the use
29 of epinephrine auto-injectors in schools, training of school
30 personnel, liability protections, reporting requirements, and
31 consent requirements. The department must submit a report on
32 its findings and recommendations to the general assembly by
33 January 1, 2015.