

House File 551 - Introduced

HOUSE FILE 551
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 29)

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 2013, 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 ~~6.~~ 8. Information provided to the school under subsection 2
4 shall be kept on file in the office of the school nurse or, in
5 the absence of a school nurse, the school's administrator.

6 ~~7.~~ 9. The Iowa braille and sight saving school, the state
7 school for the deaf, and the institutions under the control of
8 the department of human services as provided in section 218.1
9 are exempt from the provisions of this section.

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

12 Sec. 3. APPLICABILITY. This Act shall apply to school years
13 beginning on or after July 1, 2013.

14 EXPLANATION

15 This bill adds epinephrine auto-injectors to Code section
16 280.16, which permits self-administration of medication
17 in school by students with asthma. The bill defines
18 "epinephrine auto-injector" as a medical device for immediate
19 self-administration of a measured dose of epinephrine by a
20 person at risk of anaphylaxis.

21 The bill requires school districts and nonpublic schools
22 to allow the use of an epinephrine auto-injector by a student
23 with a prescription on file if the school receives written
24 authorization and certain medical information from the
25 student's parent or guardian.

26 The bill provides that a school district or nonpublic school
27 may authorize the provision of an epinephrine auto-injector
28 that meets a student's prescription on file to the student
29 or to any personnel legally authorized to administer an
30 epinephrine auto-injector to the student. The bill provides
31 that a school district or nonpublic school may authorize a
32 school nurse to provide an epinephrine auto-injector to a
33 student or any personnel legally authorized to administer
34 an epinephrine auto-injector to the student; administer an
35 epinephrine auto-injector to any student for whom the use of

1 epinephrine auto-injector is legally authorized; or administer
2 an epinephrine auto-injector to any student whom the school
3 nurse reasonably and in good faith professionally believes is
4 having an anaphylactic reaction.

5 The bill adds epinephrine auto-injectors to the provisions
6 of Code section 280.16 granting immunity from legal liability
7 to school employees, except for gross negligence, for injuries
8 resulting from the self-administration of medication. Code
9 section 280.16 requires a student's parent or guardian to
10 receive notice of such immunity. The bill also grants immunity
11 from legal liability, except for negligence, to a school nurse
12 who administers an epinephrine auto-injector to a student whom
13 the school nurse reasonably and in good faith professionally
14 believes is having an anaphylactic reaction, even if prior
15 notice to the student's parent or guardian has not been given.

16 The bill permits a student with a prescription on file to
17 possess and use an epinephrine auto-injector while in school,
18 at school-sponsored activities, under the supervision of school
19 personnel, and before or after normal school activities,
20 such as while in before-school or after-school care on
21 school-operated property.

22 The bill takes effect upon enactment and applies to school
23 years beginning on or after July 1, 2013.