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# A BILL FOR AN ACT

RELATING TO STUDENT HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 302A-1164, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§302A-1164 Self-administration of medication by student  
4 and emergency administration permitted. (a) [~~The~~] In  
5 accordance with this section, the department shall permit:

6           (1) The self-administration of medication by a student for  
7           asthma, anaphylaxis, or other potentially  
8           life-threatening illnesses; [~~and~~]

9           (2) Department employees and agents to volunteer to  
10           administer glucagon in an emergency situation to  
11           students with diabetes [~~-~~]; and

12           (3) Department employees and agents to volunteer to  
13           administer epinephrine in an emergency situation to a  
14           student that the employee or agent believes in good  
15           faith to be having an anaphylactic reaction.

16           (b) The student's parent or guardian shall provide the  
17 department with:



- 1           (1) Written authorization for the self-administration of  
2           medication or the emergency administration of  
3           glucagon[+] or epinephrine;
- 4           (2) In the case of self-administration of medication,  
5           written certification from the student's physician or  
6           physician assistant stating that the student:  
7           (A) Has asthma, anaphylaxis, or another potentially  
8           life-threatening illness; and  
9           (B) Is capable of, and has been instructed in, the  
10          proper method of self-administration of  
11          medication; [and]
- 12          (3) In the case of emergency administration of glucagon to  
13          a student with diabetes, written certification from  
14          the student's physician or physician assistant stating  
15          that the student has medical orders that glucagon may  
16          be administered by a volunteer[-]; and
- 17          (4) In the case of emergency administration of epinephrine  
18          to a student with anaphylaxis, written certification  
19          from the student's physician or physician assistant  
20          stating that epinephrine may be administered to the  
21          student by a volunteer.



1           (c) The department shall inform the student's parent or  
2 guardian in writing that the department and its employees or  
3 agents shall not incur any liability as a result of any injury  
4 arising from compliance with this section.

5           (d) The student's parent or guardian shall sign a  
6 statement acknowledging that:

7           (1) The department and its employees or agents shall not  
8 incur any liability as a result of any injury arising  
9 from compliance with this section; and

10          (2) The parent or guardian shall indemnify and hold  
11 harmless the department and its employees or agents  
12 against any claims arising out of compliance with this  
13 section.

14          (e) The permission shall be effective for the school year  
15 for which it is granted and shall be renewed for each subsequent  
16 school year upon the fulfillment of the requirements in this  
17 section.

18          (f) Notwithstanding any other law to the contrary, a  
19 student who is permitted to self-administer medication under  
20 this section shall be permitted to carry an inhaler or  
21 auto-injectable epinephrine, or both, at all times if the  
22 student does not endanger the student's person or other persons



1 through the misuse of the inhaler; provided that the department,  
2 its employees or agents may confiscate a student's medication,  
3 inhaler, or auto-injectable epinephrine if the student's  
4 self-administration of the medication exceeds the student's  
5 prescribed dosage, or if the student endangers others with the  
6 student's medication, inhaler, or auto-injectable epinephrine.

7 For the purposes of this section, the term "inhaler"  
8 includes:

9 (1) Metered-dose, breath-actuated, and dry powder  
10 inhalers; and

11 (2) Spacers and holding chambers.

12 (g) Any employee or agent who volunteers to administer  
13 glucagon in an emergency situation to a student with diabetes  
14 shall receive instruction in the proper administration of  
15 glucagon by a qualified health care professional. [~~A "qualified~~  
16 ~~health care professional" means a licensed physician, physician~~  
17 ~~assistant, advanced practice registered nurse or registered~~  
18 ~~nurse, or certified diabetes educator.~~] The student's parent or  
19 guardian shall supply the school with the glucagon kit required  
20 to administer the glucagon. The school shall store the glucagon  
21 kit in a secure but accessible location.



1        (h) Any employee or agent who volunteers to administer  
2 epinephrine in an emergency situation to a student with  
3 anaphylaxis shall receive instruction in the proper  
4 administration of epinephrine by a qualified health care  
5 professional. The school shall maintain a current supply of  
6 auto-injectable epinephrine in at least two secure locations  
7 that are accessible to department employees and agents; provided  
8 that:

9        (1) The auto-injectable epinephrine shall not be stored in  
10 a locked container or location; and

11        (2) The school's supply of auto-injectable epinephrine  
12 shall include quantities sufficient to accommodate  
13 students with unknown allergic conditions.

14        [~~h~~] (i) Any person, except for a qualified health care  
15 professional providing the training required in subsection  
16 (g) [~~r~~] or (h), who acts in accordance with the requirements of  
17 this section shall be immune from any civil or criminal  
18 liability arising from these acts, except where the person's  
19 conduct would constitute gross negligence, wilful and wanton  
20 misconduct, or intentional misconduct.

21        (j) For the purposes of this section, "qualified health  
22 care professional" means a licensed physician, physician



1 assistant, advanced practice registered nurse or registered  
2 nurse, or certified diabetes educator."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Jim Wood

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JAN 24 2012

# H.B. NO. 2693

**Report Title:**

Student Health and Safety; Anaphylaxis; Emergency Administration of Epinephrine

**Description:**

Authorizes trained school personnel to administer epinephrine to a student believed to be having an anaphylactic emergency, with the written authorization of the student's parent or guardian and medical certification that epinephrine may be administered to the student. Requires schools to maintain a supply of epinephrine for anaphylactic emergencies.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

