

---

---

# A BILL FOR AN ACT

RELATING TO STUDENT HEALTH.

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

1           SECTION 1. The legislature finds that anaphylactic shock  
2 can result from an allergic reaction to bee stings or to foods  
3 such as peanuts, wheat, shellfish, milk, or eggs. Furthermore,  
4 it is estimated that roughly eight per cent of children under  
5 the age of eighteen years have at least one food allergy. As a  
6 remedy to anaphylactic shock, the drug epinephrine is  
7 particularly effective in stopping swelling in the throat or  
8 tongue that can be deadly, as well as preventing respiratory or  
9 cardiac failure. It is the first line of treatment for severe  
10 allergic reactions.

11           Currently, approximately twenty-six states have enacted  
12 laws to authorize or require schools to stock epinephrine for  
13 the benefit of students who sustain anaphylactic shock.

14           The purpose of this Act is to require public schools to  
15 obtain a prescription and maintain a supply of epinephrine for  
16 use in anaphylactic emergencies.

17           SECTION 2. This Act shall be known as the Allergies Act.



1 SECTION 3. 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~~] Permit the self-administration of medication by  
7 a student for asthma, anaphylaxis, or other  
8 potentially life-threatening illnesses; [~~and~~]

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

12 (3) Require all department employees and agents, including  
13 substitute teachers, to be trained to administer auto-  
14 injectable epinephrine in an emergency situation to a  
15 student that the designated department employee or  
16 agent believes in good faith to be having an  
17 anaphylactic reaction.

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

20 (1) Written authorization for the self-administration of  
21 medication or the emergency administration of  
22 glucagon[~~-~~] or auto-injectable epinephrine;



1           (2) In the case of self-administration of medication,  
2                   written certification from the student's physician or  
3                   physician assistant stating that the student:

4                   (A) Has asthma, anaphylaxis, or another potentially  
5                           life-threatening illness; and

6                   (B) Is capable of, and has been instructed in, the  
7                           proper method of self-administration of  
8                           medication; and

9           (3) In the case of emergency administration of glucagon to  
10                   a student with diabetes, written certification from  
11                   the student's physician or physician assistant stating  
12                   that the student has medical orders that glucagon may  
13                   be administered by a volunteer.

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

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

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

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

5           (e) The permission to self-administer medication under  
6 this section shall be effective for the school year for which it  
7 is granted and shall be renewed for each subsequent school year  
8 upon the fulfillment of the requirements in this section.

9           (f) Notwithstanding any other law to the contrary, a  
10 student who is permitted to self-administer medication under  
11 this section shall be permitted to carry an inhaler or  
12 auto-injectable epinephrine, or both, at all times if the  
13 student does not endanger the student's person or other persons  
14 through the misuse of the inhaler; provided that the department,  
15 its employees or agents may confiscate a student's medication,  
16 inhaler, or auto-injectable epinephrine if the student's  
17 self-administration of the medication exceeds the student's  
18 prescribed dosage, or if the student endangers others with the  
19 student's medication, inhaler, or auto-injectable epinephrine.

20           For the purposes of this section, the term "inhaler"  
21 includes:

1           (1) Metered-dose, breath-actuated, and dry powder  
2                    inhalers; and  
3           (2) Spacers and holding chambers.  
4           (g) Any employee or agent who volunteers to administer  
5 glucagon in an emergency situation to a student with diabetes  
6 shall receive instruction in the proper administration of  
7 glucagon by a qualified health care professional. [~~A "qualified~~  
8 ~~health care professional" means a licensed physician, physician~~  
9 ~~assistant, advanced practice registered nurse or registered~~  
10 ~~nurse, or certified diabetes educator.] The student's parent or~~  
11 guardian shall supply the school with the glucagon kit required  
12 to administer the glucagon. The school shall store the glucagon  
13 kit in a secure but accessible location.

14           (h) All department employees and agents, including  
15 substitute teachers, shall receive training by a qualified  
16 health care professional in the proper identification of  
17 anaphylaxis and the administration of auto-injectable  
18 epinephrine. The training required under this subsection shall  
19 include periodic response drills. The school shall obtain a  
20 prescription for auto-injectable epinephrine and maintain a  
21 current supply of it in at least two secure locations that are

1 accessible to all department employees and agents, including  
2 substitute teachers; provided that:

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

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

8 [~~h~~] (i) Any person, except for a qualified health care  
9 professional providing the training required in subsection  
10 (g) [~~7~~] or (h), who acts in accordance with the requirements of  
11 this section shall be immune from any civil or criminal  
12 liability arising from these acts, except where the person's  
13 conduct would constitute gross negligence, wilful and wanton  
14 misconduct, or intentional misconduct.

15 (j) For the purposes of this section:

16 "Department employees and agents" includes educational  
17 officers.

18 "Qualified health care professional" means a licensed  
19 physician, physician assistant, advanced practice registered  
20 nurse or registered nurse, or certified diabetes educator."

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

Gene Wood

Greg Haskins  
Karen Anderson

Jim Williams Matonts

Hank Shuman  
Tom Burr

Att

Or  
Greg M. Latta

Bob Lukens  
Allen A. Bell

JAN 22 2014



# H.B. NO. 2422

**Report Title:**

Student Health and Safety; Anaphylaxis; Emergency Administration of Epinephrine

**Description:**

Requires designated school personnel to be trained to administer epinephrine to a student believed to be having an anaphylactic emergency, with the written authorization of the student's parent or guardian. Requires schools to obtain a prescription and 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.*

