

JAN 17 2014

A BILL FOR AN ACT

RELATING TO EPINEPHRINE AUTO-INJECTOR USE IN SCHOOLS.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Life-threatening allergies in schools;
5 guidelines; stock supply of epinephrine auto-injectors;
6 emergency administration. (a) An authorized health care
7 provider may prescribe epinephrine auto-injectors in the name of
8 a school for use in accordance with this section. Pharmacists
9 and authorized health care providers may dispense epinephrine
10 auto-injectors pursuant to a prescription issued in the name of
11 a school. A school may maintain a stock supply of epinephrine
12 auto-injectors for use in accordance with this section.

13 (b) School nurses and designated school personnel may,
14 upon authorization by the principal, use epinephrine auto-
15 injectors prescribed pursuant to subsection (a) to:

16 (1) Provide an epinephrine auto-injector to a student for
17 self-administration in accordance with a prescription
18 specific to the student on file with the school;



1 (2) Administer an epinephrine auto-injector to a student
2 in accordance with a prescription specific to the
3 student on file with the school; and

4 (3) Administer an epinephrine auto-injector to any student
5 or other individual, on school premises, at school-
6 sponsored events, or at any other time the student or
7 individual is subject to the school's jurisdiction or
8 supervision; provided that the school nurse or
9 designated school personnel believes in good faith the
10 student or other individual is experiencing
11 anaphylaxis in accordance with a standing protocol
12 from an authorized health care provider, regardless of
13 whether the student or other individual has a
14 prescription for an epinephrine auto-injector or has
15 previously been diagnosed with an allergy.

16 (c) A school may enter into arrangements with
17 manufacturers of epinephrine auto-injectors or third-party
18 suppliers of epinephrine auto-injectors to obtain epinephrine
19 auto-injectors at fair-market, free, or reduced prices.

20 (d) Designated school personnel shall complete an
21 anaphylaxis training program prior to providing or administering
22 an epinephrine auto-injector made available by a school and at



1 least every two years following completion of the initial
2 anaphylaxis training program. The training shall be conducted
3 by a nationally recognized organization experienced in training
4 laypersons in emergency health treatment or an entity or
5 individual approved by the department of health. Training may
6 be conducted online or in person and, at a minimum, shall cover:

- 7 (1) Techniques on how to recognize symptoms of severe
8 allergic reactions, including anaphylaxis;
9 (2) Standards and procedures for the storage and
10 administration of an epinephrine auto-injector; and
11 (3) Emergency follow-up procedures.

12 The entity that conducts the training shall issue a
13 certificate, on a form developed or approved by the department
14 of health, to each person who successfully completes the
15 anaphylaxis training program.

16 (e) Not later than December 31, 2015, the department, in
17 consultation with the department of health, shall develop and
18 make available to all schools guidelines for the management of
19 students with life-threatening food allergies. The guidelines
20 shall include:

- 21 (1) Education and training for school personnel on the
22 management of students with life-threatening



- 1 allergies, including training related to the
2 administration of an epinephrine auto-injector;
3 (2) Procedures for responding to life-threatening allergic
4 reactions;
5 (3) A process for the development of individualized health
6 care and allergy action plans for every student with a
7 known life-threatening allergy; and
8 (4) Protocols to prevent exposure to allergens.
9 (f) Not later than _____, the board shall:
10 (1) Implement a plan based on the guidelines developed
11 pursuant to subsection (e) for the management of
12 students with life-threatening allergies enrolled in
13 the schools under its jurisdiction; and
14 (2) Make the plan available on the board's web site or the
15 web site of each school under the board's
16 jurisdiction, or if the web sites do not exist, make
17 the plan publicly available through other practicable
18 means as determined by the board.
19 (g) A school that possesses and makes available a stock
20 supply of epinephrine auto-injectors pursuant to this section
21 shall submit to the department, on a form developed by the
22 department, a report of each incident that involves a severe



1 allergic reaction or the administration of an epinephrine auto-
2 injector. The department shall annually publish a report that
3 summarizes and analyzes all reports submitted to it pursuant to
4 this subsection.

5 (h) The following persons or entities shall not be civilly
6 liable for damages arising from the administration of, self-
7 administration of, or failure to administer an epinephrine auto-
8 injector or any other act or omission taken pursuant to this
9 section, regardless of whether authorization was provided by the
10 student's parent or guardian or by the student's health care
11 provider:

12 (1) A school that possesses and makes available
13 epinephrine auto-injectors and its principal, school
14 nurses, employees, agents, and volunteers;

15 (2) An authorized health care provider that prescribes
16 epinephrine auto-injectors to a school; and

17 (3) An individual or entity that conducts the training
18 described in subsection (d);

19 provided that this subsection does not apply to gross negligence
20 or wanton acts or omissions. This section does not eliminate,
21 limit, or reduce any other immunity or defense that may be



1 available under state law, including that provided under section
2 663-1.5.

3 (i) The administration of an epinephrine auto-injector in
4 accordance with this section shall not constitute the practice
5 of medicine.

6 (j) As used in this section:

7 "Administer" means the direct application of an epinephrine
8 auto-injector to the body of an individual.

9 "Authorized health care provider" means an individual
10 licensed by the State or authorized by the laws of the State to
11 prescribe prescription drugs within the scope of the person's
12 practice.

13 "Designated school personnel" means an employee, agent, or
14 volunteer of a school principal who has completed the training
15 required under subsection (d) and who has been designated by the
16 school principal to provide or administer an epinephrine auto-
17 injector.

18 "Epinephrine auto-injector" means a single-use device used
19 for the automatic injection of a premeasured dose of epinephrine
20 into the human body.

21 "Provide" means the supply of one or more epinephrine auto-
22 injectors to an individual.



1 "School" shall have the same meaning as the term "public
2 schools" in section 302A-101, excluding charter schools governed
3 by chapter 302D.

4 "Self-administration" means a student or other person's
5 discretionary use of an epinephrine auto-injector, whether
6 provided by the student or by a school nurse or designated
7 school personnel pursuant to this section."

8 SECTION 2. New statutory material is underscored.

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

10

INTRODUCED BY:

Ronald L. Bell
Clarence K. Quishin

Marcus [Signature]
John Blah
Devin [Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]



S.B. NO. 2659

Report Title:

Epinephrine Auto-injectors; Schools; Emergency Administration

Description:

Allows public schools to stock, provide, and administer epinephrine in emergencies and under certain conditions.

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

