

JAN 17 2014

A BILL FOR AN ACT

RELATING TO EPINEPHRINE AUTO-INJECTOR USE IN PUBLIC 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; guidelines; stock
5 supply of epinephrine auto-injectors; emergency administration.

6 (a) Notwithstanding any law to the contrary, an authorized
7 health care provider may prescribe epinephrine auto-injectors in
8 the name of a school for use in accordance with this section.
9 Pharmacists and authorized health care providers may dispense
10 epinephrine auto-injectors pursuant to a prescription issued in
11 the name of a school. A school may maintain a stock supply of
12 epinephrine auto-injectors for use in accordance with this
13 section.

14 (b) School nurses and health aides and designated school
15 personnel may, upon authorization by the governing body of a
16 school, use epinephrine auto-injectors prescribed pursuant to
17 subsection (a) to:



- 1 (1) Provide an epinephrine auto-injector to a student for
2 self-administration in accordance with a prescription
3 specific to the student on file with the school
4 subject to the provisions of section 302A-1164;
- 5 (2) Administer an epinephrine auto-injector to a student
6 in accordance with a prescription specific to the
7 student on file with the school; and
- 8 (3) Administer an epinephrine auto-injector to any student
9 or other individual whom the school nurse or health
10 aide or designated school personnel believes in good
11 faith is experiencing anaphylaxis, on school premises,
12 at school-sponsored events, or at any other time the
13 student or individual is subject to the school's
14 jurisdiction or supervision, in accordance with a
15 standing protocol from an authorized health care
16 provider, regardless of whether the student or other
17 individual has a prescription for an epinephrine auto-
18 injector or has previously been diagnosed with an
19 allergy.
- 20 (c) A school may enter into arrangements with
21 manufacturers of epinephrine auto-injectors or third-party



1 suppliers of epinephrine auto-injectors to obtain epinephrine
2 auto-injectors at fair-market, free, or reduced prices.

3 (d) Designated school personnel shall complete an
4 anaphylaxis training program prior to providing or administering
5 an epinephrine auto-injector made available by a school and at
6 least every two years following completion of the initial
7 anaphylaxis training program. Such training shall be conducted
8 by a nationally-recognized organization experienced in training
9 laypersons in emergency health treatment or an entity or
10 individual approved by the department of health. Training may
11 be conducted online or in person and, at a minimum, shall cover:

- 12 (1) Techniques on how to recognize symptoms of severe
13 allergic reactions, including anaphylaxis;
14 (2) Standards and procedures for the storage and
15 administration of an epinephrine auto-injector; and
16 (3) Emergency follow-up procedures.

17 The entity conducting the training shall issue a
18 certificate, on a form developed or approved by the department
19 of health, to each person who successfully completes the
20 anaphylaxis training program.

21 (e) Not later than December 31, 2015, the department, in
22 consultation with the department of health, shall develop and



1 make available to all schools guidelines for the management of
2 students with life-threatening food allergies. The guidelines
3 shall include but not be limited to:

- 4 (1) Education and training for school personnel on the
5 management of students with life-threatening
6 allergies, including training related to the
7 administration of an epinephrine auto-injector;
- 8 (2) Procedures for responding to life-threatening allergic
9 reactions;
- 10 (3) A process for the development of individualized health
11 care and allergy action plans for every student with a
12 known life-threatening allergy; and
- 13 (4) Protocols to prevent exposure to allergens.
- 14 (f) Not later than _____, the department shall:
- 15 (1) Implement a plan based on the guidelines developed
16 pursuant to subsection (e) for the management of
17 students with life-threatening allergies enrolled in
18 schools under its jurisdiction; and
- 19 (2) Make the plan available on the department's website or
20 the website of each school under the department's
21 jurisdiction. If such websites do not exist, the



1 department shall make the plan publicly available
2 through other practicable means as it determines.

3 (g) A school that possesses and makes available a stock
4 supply of epinephrine auto-injectors pursuant to this section
5 shall submit to the department, on a form developed by the
6 department, a report of each incident that involves a severe
7 allergic reaction or the administration of an epinephrine auto-
8 injector. The department shall annually publish a report that
9 summarizes and analyzes all reports submitted pursuant to this
10 subsection.

11 (h) A school that possesses and makes available
12 epinephrine auto-injectors and its governing body; a school
13 nurse or health aide, employee, agent, or volunteer; an
14 authorized health care provider that prescribes epinephrine
15 auto-injectors to a public school; and an individual or entity
16 that conducts the training described in subsection (d) shall not
17 be liable for any civil damages arising from the administration
18 of, self-administration of, or failure to administer an
19 epinephrine auto-injector or any other act or omission taken
20 pursuant to this section, regardless of whether authorization
21 was provided by the student's parent or guardian or by the
22 student's health care provider; provided that this immunity



1 shall not apply to gross negligence or wanton acts or omissions.
2 The administration of an epinephrine auto-injector in accordance
3 with this section shall not be considered the practice of
4 medicine. This section shall not eliminate, limit, or reduce
5 any other immunity or defense that may be available under state
6 law, including sections 302A-1164 and 663-1.5.

7 (i) As used in this section:

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

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

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

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



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


3 "School" means any day care center, child care facility,
4 headstart program, preschool, kindergarten, elementary, or
5 secondary school, public or private, including any special
6 school for children in the State.

7 "Self-administration" means a student or other individual's
8 discretionary use of an epinephrine auto-injector, whether
9 provided by the student or by a school nurse or health aide or
10 designated school personnel pursuant to this section."

11 SECTION 2. New statutory material is underscored.

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

13

INTRODUCED BY:  _____



S.B. NO. 2700

Report Title:

Epinephrine Auto-Injectors; Use in Schools

Description:

Authorizes schools to maintain a supply of epinephrine auto-injectors and establishes provisions governing their use.

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

