

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 1777
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Education and Health, to which was referred H.B. No. 1777, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize Department of Education employees and agents with specified training to volunteer to administer auto-injectable epinephrine to a student with anaphylaxis;
- (2) Authorize the Department of Education to make arrangements to receive injectable epinephrine supplies from manufacturers or suppliers; and
- (3) Make an appropriation to the Department of Education for instruction, training, and related expenses.

Your Committees received testimony in support of this measure from the Department of Education; Department of Health; Hawaii Association of Professional Nurses; Walgreens, Co.; Mylan, Inc.; and Hawaii Association for Justice.

Your Committees find that this measure is necessary to clarify that Department of Education employees and agents may volunteer to administer epinephrine to a student with anaphylaxis.



Your Committees further find that it is imperative that Department of Education employees and agents who volunteer to administer epinephrine to a student with anaphylaxis are given proper instruction on the administration of epinephrine.

Your Committees have amended this measure by:

- (1) Inserting language to establish a five-year pilot program within the Department of Education, in collaboration with the Department of Health, to provide auto-injectable epinephrine to any student or other individual on school premises, at school-sponsored events, or at any other time the student or individual is subject to the school's jurisdiction or supervision, whom designated school personnel believes in good faith is experiencing anaphylaxis;
- (2) Authorizing the Department of Education to maintain a stock of auto-injectable epinephrine supplies as part of the pilot project;
- (3) Providing that an authorized health care provider may prescribe auto-injectable epinephrine to a school participating in the pilot program;
- (4) Authorizing pharmacists and authorized health care providers to dispense auto-injectable epinephrine pursuant to a prescription issued under the pilot program;
- (5) Requiring training for any Department of Education employee or agent who volunteers to administer auto-injectable epinephrine under the pilot program;
- (6) Inserting language providing immunity from civil or criminal liability to any person acting in accordance with the requirements of the pilot program, with certain exceptions for gross negligence, wilful and wanton misconduct, and intentional misconduct;
- (7) Requiring the Department of Education, in collaboration with the Department of Health, to submit an annual report to the Legislature for the duration of the pilot program;



- (8) Inserting an effective date of July 1, 2030, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

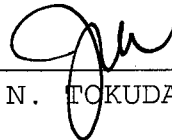
Your Committees note that there are still concerns about the liability exemptions provided in this measure and if this measure is considered for passage by your Committee on Ways and Means, your Committees recommend examining how other jurisdictions handle the issue of liability as it relates to the subject matter covered by this measure.

As affirmed by the records of votes of the members of your Committees on Education and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1777, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1777, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Health,



JOSH GREEN, Chair

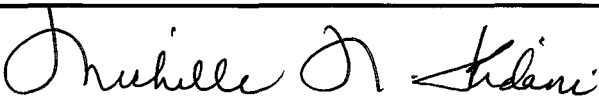


JILL N. TOKUDA, Chair



The Senate
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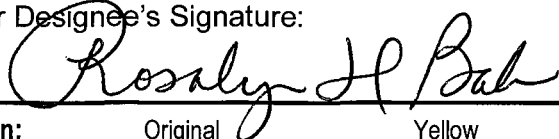
Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:
HB1777 HD2	EDU/HTH, WAM	3-17-14
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TOKUDA, Jill N. (C)	✓	
KIDANI, Michelle N. (VC)	✓	
GABBARD, Mike	✓	
RUDERMAN, Russell E.	✓	
SLOM, Sam		✓
TOTAL	4	0
0	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
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HTH

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Members	Aye	Aye (WR)
Nay	Excused	
GREEN, M.D., Josh (C)	✓	
BAKER, Rosalyn H. (VC)	✓	
CHUN OAKLAND, Suzanne	✓	
NISHIHARA, Clarence K.		✓
SLOM, Sam		✓
TOTAL	3	-
-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
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