
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:



- 1 (1) Written authorization for the self-administration of
2 medication or the emergency administration of
3 glucagon[+] or auto-injectable 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.
17 (c) The department shall inform the student's parent or
18 guardian in writing that the department and its employees or
19 agents shall not incur any liability as a result of any injury
20 arising from compliance with this section.



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

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

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

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

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



1 self-administration of the medication exceeds the student's
2 prescribed dosage, or if the student endangers others with the
3 student's medication, inhaler, or auto-injectable epinephrine.

4 For the purposes of this section, the term "inhaler"
5 includes:

6 (1) Metered-dose, breath-actuated, and dry powder
7 inhalers; and

8 (2) Spacers and holding chambers.

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

19 (h) All department employees and agents, including
20 substitute teachers, shall receive training by a qualified
21 health care professional in the proper identification of



1 anaphylaxis and the administration of auto-injectable
2 epinephrine. The training required under this subsection shall
3 include periodic response drills. The school shall obtain a
4 prescription for auto-injectable epinephrine and maintain a
5 current supply of it in at least two secure locations that are
6 accessible to all department employees and agents, including
7 substitute teachers; provided that:

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

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

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

20 (j) For the purposes of this section:



1 "Department employees and agents" includes educational
2 officers.

3 "Qualified health care professional" means a licensed
4 physician, physician assistant, advanced practice registered
5 nurse or registered nurse, or certified diabetes educator."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 27 2015



H.B. NO. 1163

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.

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