

JAN 23 2015

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-1164, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (a) and (b) to read:

4 "(a) The department shall permit:

5 (1) The self-administration of medication by a student for
6 asthma, anaphylaxis, or other potentially
7 life-threatening illnesses; and

8 (2) Department employees and agents to volunteer to
9 administer glucagon in an emergency situation to
10 students with diabetes[+] or administer auto-
11 injectable epinephrine in an emergency situation to
12 students with anaphylaxis.

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

15 (1) Written authorization for the self-administration of
16 medication or the emergency administration of
17 glucagon[+] or auto-injectable epinephrine;



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

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

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

10 (3) In the case of emergency administration of glucagon to
11 a student with diabetes [7] or auto-injectable
12 epinephrine to a student with anaphylaxis, written
13 certification from the student's physician, advanced
14 practice registered nurse, or physician assistant
15 stating that the student has medical orders that
16 glucagon or auto-injectable epinephrine may be
17 administered by a volunteer."

18 2. By amending subsection (g) to read:

19 "(g) Any employee or agent who volunteers to administer
20 glucagon in an emergency situation to a student with diabetes or
21 auto-injectable epinephrine to a student with anaphylaxis shall



1 receive instruction in the proper administration of glucagon or
2 auto-injectable epinephrine by a qualified health care
3 professional. A "qualified health care professional" means a
4 licensed physician, physician assistant, advanced practice
5 registered nurse or registered nurse, or certified diabetes
6 educator. The student's parent or guardian shall supply the
7 school with the glucagon kit required to administer the
8 glucagon[-] or with auto-injectable epinephrine supplies to
9 administer epinephrine. The school shall store the glucagon kit
10 or auto-injectable epinephrine supplies in a secure but
11 accessible location. The department may also make arrangements
12 to receive auto-injectable epinephrine supplies from auto-
13 injectable epinephrine manufacturers or suppliers."

14 SECTION 2. (a) Beginning on July 1, 2016, and ending on
15 June 30, 2021, there is established within the department of
16 education, in collaboration with the department of health, a
17 five-year auto-injectable epinephrine pilot program. The
18 primary objective of the pilot program shall be to provide auto-
19 injectable epinephrine to any student or other individual on
20 school premises, at school-sponsored events, or at any other
21 time the student or individual is subject to the school's



1 jurisdiction or supervision, whom designated school personnel
2 believes in good faith is experiencing anaphylaxis.

3 (b) A school may maintain a stock supply of auto-
4 injectable epinephrine for use in the pilot program. The school
5 shall store the auto-injectable epinephrine supplies in a secure
6 but accessible location.

7 (c) An authorized health care provider may prescribe auto-
8 injectable epinephrine in the name of a school participating in
9 the pilot program, and pharmacists and authorized health care
10 providers may dispense auto-injectable epinephrine pursuant to a
11 prescription issued pursuant to this section.

12 (d) Any department of education employee or agent may,
13 upon completion of instruction described in subsection (e), use
14 auto-injectable epinephrine prescribed pursuant to subsection
15 (c) to administer auto-injectable epinephrine to any student or
16 other individual on school premises, at school-sponsored events,
17 or at any other time the student or individual is subject to the
18 school's jurisdiction or supervision, whom designated school
19 personnel believes in good faith is experiencing anaphylaxis,
20 regardless of whether the student or other individual has a
21 prescription for auto-injectable epinephrine specific to the



1 student on file with the school pursuant to section 302A-1164,
2 Hawaii Revised Statutes, or has previously been diagnosed with
3 an allergy.

4 (e) Any employee or agent of the department of education
5 who volunteers as part of the pilot program to administer auto-
6 injectable epinephrine in an emergency situation to a person
7 experiencing anaphylaxis shall receive instruction in the proper
8 administration of auto-injectable epinephrine by a qualified
9 health care professional. For the purposes of this subsection,
10 a "qualified health care professional" means a licensed
11 physician, physician assistant, advanced practice registered
12 nurse or registered nurse, or certified diabetes educator.

13 (f) Any person who acts in accordance with the
14 requirements of the pilot program shall be immune from any civil
15 or criminal liability arising from these acts, except where the
16 person's conduct would constitute gross negligence, willful and
17 wanton misconduct, or intentional misconduct.

18 SECTION 3. The department of education, in collaboration
19 with the department of health, shall report its findings and
20 recommendations, including any proposed legislation, regarding
21 the pilot program to the legislature no later than twenty days



1 prior to the convening of the regular sessions of 2017 through
2 2022.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2015-2016 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2016-2017 for the department of education to contract for
8 instruction, training, and related expenses required for
9 compliance with this Act.

10 The sums appropriated shall be expended by the department
11 of education for the purposes of this Act.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: *Enzanne Chun Akpan*



Report Title:

Department of Education; Department of Health; Administration of Auto-injectable Epinephrine; Appropriation

Description:

Authorizes department of education employees and agents with specified training to volunteer to administer auto-injectable epinephrine to a student with anaphylaxis. Allows the department of education to make arrangements to receive auto-injectable epinephrine supplies from manufacturers and suppliers. Establishes a five-year auto-injectable epinephrine pilot program within the department of education and requires annual reports to the legislature regarding the pilot program. Appropriates funds to the department of education to acquire training and supplies necessary for compliance with this Act.

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

