
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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PART I

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

"§302A- Administration of emergency seizure rescue medication; training. (a) Beginning January 1, 2022, each school shall have at least one school employee on duty during the entire school day to administer or assist with:

(1) The self-administration of seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration; and

(2) A manual dose of prescribed electrical stimulation using a vagus nerve simulator magnet as approved by the United States Food and Drug Administration.

(b) The department shall ensure that all personnel assigned to administer or assist with the self-administration of



1 seizure rescue medication, vagus nerve stimulator magnet, or any
2 other medication prescribed to treat seizure disorder symptoms
3 are either trained:

4 (1) Through a training program adopted by rule in
5 accordance with chapter 91 for the training of school
6 personnel in the health care needs of students
7 diagnosed with a seizure disorder; or

8 (2) By a physician, advanced practice registered nurse, or
9 physician assistant consistent with best practice
10 guidelines on seizure treatment and the recognition of
11 the signs and symptoms of seizures and the appropriate
12 steps for seizure first aid.

13 (c) Beginning January 1, 2022, and on an annual basis
14 thereafter, all principals, guidance counselors, and teachers
15 employed by the department shall complete at least one hour of
16 self-study review of seizure disorder materials developed by
17 medical professionals with expertise in seizure treatment and
18 consistent with best practice guidelines on the recognition of
19 the signs and symptoms of seizures and the appropriate steps for
20 seizure first aid.



1 (d) Beginning January 1, 2022, and on an annual basis
 2 thereafter, each school shall provide an age appropriate seizure
 3 education program to all students on seizures and seizure
 4 disorders. The seizure education program shall be consistent
 5 with guidelines published by the Epilepsy Foundation or any
 6 successor organization.

7 (e) This section shall not apply to any school that does
 8 not have at least one student enrolled who has either:

- 9 (1) A seizure disorder; or
- 10 (2) A seizure rescue medication or medication prescribed
 11 to treat seizure disorder symptoms approved by the
 12 United States Food and Drug Administration prescribed
 13 by the student's health care provider."

14 SECTION 2. Chapter 302D, Hawaii Revised Statutes, is
 15 amended by adding a new section to be appropriately designated
 16 and to read as follows:

17 **"§302D- Administration of emergency seizure rescue**
 18 **medication; training.** (a) Beginning January 1, 2022, each
 19 public charter school shall have at least one school employee on
 20 duty during the entire school day to administer or assist with:



1 (1) The self-administration of seizure rescue medication
2 or medication prescribed to treat seizure disorder
3 symptoms approved by the United States Food and Drug
4 Administration; and

5 (2) A manual dose of prescribed electrical stimulation
6 using a vagus nerve simulator magnet as approved by
7 the United States Food and Drug Administration.

8 (b) The public charter school shall ensure that all
9 personnel assigned to administer or assist with the self-
10 administration of seizure rescue medication, vagus nerve
11 stimulator magnet, or any other medication prescribed to treat
12 seizure disorder symptoms are trained by a physician, advanced
13 practice registered nurse, or physician assistant consistent
14 with best practice guidelines on seizure treatment and the
15 recognition of the signs and symptoms of seizures and the
16 appropriate steps for seizure first aid.

17 (c) Beginning January 1, 2022, and on an annual basis
18 thereafter, all principals, guidance counselors and teachers
19 employed by the public charter school shall complete at least
20 one hour of self-study review of seizure disorder materials
21 developed by medical professionals with expertise in seizure



1 treatment and consistent with best practice guidelines on the
2 recognition of the signs and symptoms of seizures and the
3 appropriate steps for seizure first aid.

4 (d) In the case of any student who is certified by the
5 student's physician, advanced practice registered nurse, or
6 physician assistant as having a seizure disorder, the public
7 charter school shall establish a seizure action plan for that
8 student, in conjunction with the student's parent or guardian,
9 that shall include but not be limited to the identification of
10 the employee or employees trained to assist the student in the
11 event of a seizure and the method by which the trained employee
12 or employees are contacted in the event of the seizure. The
13 seizure action plan shall be:

- 14 (1) Distributed to every school employee or volunteer
15 responsible for the supervision or care of the student
16 diagnosed with a seizure disorder; and
- 17 (2) Kept on file at the school at which the student is
18 enrolled.

19 (e) Beginning January 1, 2022, and on an annual basis
20 thereafter, each public charter school shall provide an age
21 appropriate seizure education program to all students on



1 seizures and seizure disorders. The seizure education program
2 shall be consistent with guidelines published by the Epilepsy
3 Foundation or any successor organization.

4 (f) This section shall not apply to any public charter
5 school that does not have at least one student enrolled who has
6 either:

- 7 (1) A seizure disorder; or
- 8 (2) A seizure rescue medication or medication prescribed
9 to treat seizure disorder symptoms approved by the
10 United States Food and Drug Administration prescribed
11 by the student's health care provider."

12 SECTION 3. Section 302A-1164, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§302A-1164 Self-administration of medication by student
15 and emergency administration[; ~~self-testing and self-management~~
16 ~~of diabetes by student; assistance with diabetes testing; blood~~
17 ~~glucose monitoring by student; assistance with blood glucose~~
18 ~~monitoring;] permitted. (a) The department shall permit:~~

- 19 (1) The self-administration of:



- 1 (A) Medication by a student for asthma, anaphylaxis,
2 diabetes, seizure disorders, or other potentially
3 life-threatening illnesses; and
- 4 (B) Blood glucose monitoring by a student; and
- 5 (2) Department employees and agents to volunteer to
6 administer:
- 7 (A) Insulin or assist a student in administering
8 insulin via the insulin delivery system that the
9 student uses;
- 10 (B) Glucagon in an emergency situation to students
11 with diabetes;
- 12 (C) Auto-injectable epinephrine in an emergency
13 situation to students with anaphylaxis; [~~e~~]
- 14 (D) Seizure medication or vagus nerve stimulation in
15 an emergency situation to students with seizure
16 disorders; or
- 17 [~~D~~] (E) Blood glucose monitoring or assist a student
18 with blood glucose monitoring.
- 19 (b) The student's parent or guardian shall provide the
20 department with:



- 1 (1) Written authorization for the self-administration of
2 medication or the emergency administration of glucagon
3 [~~or~~] auto-injectable epinephrine [~~or~~], seizure
4 medications, or vagus nerve stimulation magnet;
- 5 (2) In the case of self-administration of medication:
- 6 (A) Written certification from the student's
7 physician, advanced practice registered nurse, or
8 physician assistant stating that the student with
9 diabetes may perform the student's own blood
10 glucose checks, administer insulin through the
11 student's insulin delivery system, and otherwise
12 attend to the care and management of the
13 student's diabetes during any school-related
14 activity, and that the student may possess on the
15 student's person all necessary supplies and
16 equipment to perform the diabetes monitoring and
17 treatment activities, if applicable; and
- 18 (B) Written certification from the student's
19 physician, advanced practice registered nurse, or
20 physician assistant stating that the student:



- 1 (i) Has asthma, anaphylaxis, seizure disorder,
- 2 or another potentially life-threatening
- 3 illness; and
- 4 (ii) Is capable of, and has been instructed in,
- 5 the proper method of self-administration of
- 6 medication or blood glucose monitoring; and
- 7 (3) In the case of administration of insulin or emergency
- 8 administration of glucagon to a student with diabetes,
- 9 blood glucose monitoring of a student, [~~or~~] auto-
- 10 injectable epinephrine to a student with anaphylaxis,
- 11 or administration of seizure medication or vagus nerve
- 12 stimulation to the student with a seizure disorder,
- 13 written certification from the student's physician,
- 14 advanced practice registered nurse, or physician
- 15 assistant stating that the student has medical orders
- 16 that insulin, glucagon, blood glucose monitoring, [~~or~~]
- 17 auto-injectable epinephrine, seizure medication, or
- 18 vagus nerve stimulation may be administered by a
- 19 volunteer.
- 20 (c) In the case of any student who is certified by the
- 21 student's physician, advanced practice registered nurse, or



1 physician assistant as having a seizure disorder, the department
2 shall establish a seizure action plan for that student, in
3 conjunction with the student's parent or guardian, that shall
4 include but not be limited to the identification of the school
5 employee or employees trained to assist the student in the event
6 of a seizure and the method by which the trained employee or
7 employees are contacted in the event of the seizure.

8 The seizure action plan shall be:

- 9 (1) Distributed to every school employee or volunteer
10 responsible for the supervision or care of the student
11 diagnosed with a seizure disorder; and
12 (2) Kept on file at the school at which the student is
13 enrolled.

14 [~~e~~] (d) The department shall inform the student's parent
15 or guardian in writing that the department and its employees or
16 agents shall not incur any liability as a result of any injury
17 arising from compliance with this section.

18 [~~d~~] (e) The student's parent or guardian shall sign a
19 statement acknowledging that:



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

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

8 [~~(e)~~] (f) The permission shall be effective for the school
9 year for which it is granted and shall be renewed for each
10 subsequent school year upon the fulfillment of the requirements
11 in this section.

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



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

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

- 5 (1) Metered-dose, breath-actuated, and dry powder
6 inhalers; and
7 (2) Spacers and holding chambers.

8 [~~(g)~~] (h) Any employee or agent who volunteers to
9 administer insulin or glucagon in an emergency situation to a
10 student with diabetes [~~(e)~~], auto-injectable epinephrine to a
11 student with anaphylaxis, or seizure medication or vagus nerve
12 stimulation to a student with a seizure disorder, or who
13 volunteers to administer or assist a student with blood glucose
14 monitoring shall receive instruction in the proper
15 administration of insulin, glucagon, auto-injectable
16 epinephrine, seizure medication or vagus nerve stimulation, or
17 blood glucose monitoring by a qualified health care
18 professional. A "qualified health care professional" means a
19 licensed physician, physician assistant, advanced practice
20 registered nurse or registered nurse, or certified diabetes
21 educator. The student's parent or guardian shall supply the



1 school with the glucagon kit required to administer the
2 glucagon, any supplies necessary to administer insulin, blood
3 glucose monitoring, or with auto-injectable epinephrine supplies
4 to administer epinephrine. The school shall store the glucagon
5 kit, insulin supplies, blood glucose monitoring supplies,
6 seizure medication or vagus nerve stimulation magnet, or auto-
7 injectable epinephrine supplies in a secure but accessible
8 location.

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

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2020-2021 to
19 train employees to administer or assist with the self-
20 administration of seizure rescue medication at each public
21 school and public charter school.



1 The sum appropriated shall be expended by the department of
2 education for the purposes of this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval;
6 provided that section 4 shall take effect on July 1, 2050.



Report Title:

Education; Seizure Safe Schools; Seizure Disorder Rescue Medication; School Employee Training; Appropriation

Description:

Requires public schools and public charter schools to have an employee trained to administer seizure disorder rescue medication. Exempts schools that do not have a student with a seizure disorder. Requires a seizure action plan for every diagnosed student and distribution of the plan to employees charged with supervising the student. Requires all principals, guidance counselors, and teachers to perform self-review of seizure disorder materials annually. Makes an appropriation. Effective July 1, 2050. (HD2)

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

