

JAN 19 2022

A BILL FOR AN ACT

RELATING TO HEALTH.

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- Administration of emergency seizure rescue
5 medication; training. (a) Beginning January 1, 2023, each
6 school shall have at least one school employee on duty during
7 the entire school day to administer or assist with:

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

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

15 (b) The department shall ensure that all personnel
16 assigned to administer or assist with the self-administration of
17 seizure rescue medication, vagus nerve stimulator magnet, or any



1 other medication prescribed to treat seizure disorder symptoms
2 are either trained:

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

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

12 (c) Beginning January 1, 2023, and on an annual basis
13 thereafter, all principals, guidance counselors, and teachers
14 employed by the department shall complete at least one hour of
15 self-study review of seizure safety materials developed by
16 medical professionals having expertise in seizure treatment and
17 consistent with best practice guidelines on the recognition of
18 the signs and symptoms of seizures and the appropriate steps for
19 seizure first aid.

20 (d) Beginning January 1, 2023, and on an annual basis
21 thereafter, each school shall provide an age appropriate seizure



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

5 (e) This section shall not apply to any school that does
6 not have at least one student enrolled who has 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 (f) Any employee of the department shall not be held
13 liable for any civil damages arising out of any act or omission
14 relating to administering or assisting with the self-
15 administration of seizure rescue medication, vagus nerve
16 stimulator magnet, or any other medication prescribed to treat
17 seizure disorder symptoms pursuant to this section."

18 SECTION 2. Chapter 302C, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§302C- Administration of emergency seizure rescue

2 medication; training. (a) Beginning January 1, 2023, each
3 private school shall have at least one school employee on duty
4 during the entire school day to administer or assist with:

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

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

12 (b) The private school shall ensure that all personnel
13 assigned to administer or assist with the self-administration of
14 seizure rescue medication, vagus nerve stimulator magnet, or any
15 other medication prescribed to treat seizure disorder symptoms
16 are either trained:

17 (1) Through a training program for the training of school
18 personnel in the health care needs of students
19 diagnosed with a seizure disorder; or

20 (2) By a physician, advanced practice registered nurse, or
21 physician assistant consistent with best practice



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

4 (c) Beginning January 1, 2023, and on an annual basis
5 thereafter, all principals, guidance counselors, and teachers
6 employed by the private school shall complete at least one hour
7 of self-study review of seizure safety materials developed by
8 medical professionals having expertise in seizure treatment and
9 consistent with best practice guidelines on the recognition of
10 the signs and symptoms of seizures and the appropriate steps for
11 seizure first aid.

12 (d) Beginning January 1, 2023, and on an annual basis
13 thereafter, each private school shall provide an age appropriate
14 seizure education program to all students on seizures and
15 seizure disorders. The seizure education program shall be
16 consistent with guidelines published by the Epilepsy Foundation
17 or any successor organization.

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

20 (1) A seizure disorder; or



(2) A seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration prescribed by the student's health care provider.

(f) Any employee of the private school shall not be held liable for any civil damages arising out of any act or omission relating to administering or assisting with the self-administration of seizure rescue medication, vagus nerve stimulator magnet, or any other medication prescribed to treat seizure disorder symptoms pursuant to this section."

SECTION 3. Chapter 302D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302D- Administration of emergency seizure rescue medication; training. (a) Beginning January 1, 2023, each public charter 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



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

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

13 (c) Beginning January 1, 2023, and on an annual basis
14 thereafter, all principals, guidance counselors, and teachers
15 employed by a public charter school shall complete at least one
16 hour of self-study review of seizure safety materials developed
17 by medical professionals having expertise in seizure treatment
18 and consistent with best practice guidelines on the recognition
19 of the signs and symptoms of seizures and the appropriate steps
20 for seizure first aid.



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

12 (1) Distributed to every school employee or volunteer
13 responsible for the supervision or care of the student
14 diagnosed with a seizure disorder; and

15 (2) Kept on file at the school at which the student is
16 enrolled.

17 (e) Beginning January 1, 2023, and on an annual basis
18 thereafter, each public charter school shall provide an age
19 appropriate seizure education program to all students on
20 seizures and seizure disorders. The seizure education program



1 shall be consistent with guidelines published by the Epilepsy
2 Foundation or any successor organization.

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

6 (1) A seizure disorder; or

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

11 (g) Any employee of a public charter school shall not be
12 held liable for any civil damages arising out of any act or
13 omission relating to administering or assisting with the self-
14 administration of seizure rescue medication, vagus nerve
15 stimulator magnet, or any other medication prescribed to treat
16 seizure disorder symptoms pursuant to this section."

17 SECTION 4. Section 302A-1164, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§302A-1164 Self-administration of medication by student
20 and emergency administration; ~~[self-testing and self-management~~
21 ~~of diabetes by student; assistance with diabetes testing; blood~~



1 ~~glucose monitoring by student, assistance with blood glucose~~
2 ~~monitoring,~~ permitted. (a) The department shall permit:

3 (1) The self-administration of:

4 (A) Medication by a student for asthma, anaphylaxis,
5 diabetes, seizure disorders, or other potentially
6 life-threatening illnesses; and

7 (B) Blood glucose monitoring by a student; and

8 (2) Department employees and agents to volunteer to
9 administer:

10 (A) Insulin or assist a student in administering
11 insulin via the insulin delivery system that the
12 student uses;

13 (B) Glucagon in an emergency situation to students
14 with diabetes;

15 (C) Auto-injectable epinephrine in an emergency
16 situation to students with anaphylaxis; ~~[or]~~

17 (D) Seizure medication or vagus nerve stimulation in
18 emergency situations to students having seizure
19 disorders; or

20 ~~[-(D)-]~~ (E) Blood glucose monitoring or assist a student
21 with blood glucose monitoring.



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

3 (1) Written authorization for the self-administration of
4 medication or the emergency administration of glucagon
5 or auto-injectable epinephrine[+], seizure
6 medications, or vagus nerve stimulator magnet;

7 (2) In the case of self-administration of medication:

8 (A) Written certification from the student's
9 physician, advanced practice registered nurse, or
10 physician assistant stating that the student with
11 diabetes may perform the student's own blood
12 glucose checks, administer insulin through the
13 student's insulin delivery system, and otherwise
14 attend to the care and management of the
15 student's diabetes during any school-related
16 activity, and that the student may possess on the
17 student's person all necessary supplies and
18 equipment to perform the diabetes monitoring and
19 treatment activities, if applicable; and



(B) Written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student:

(i) Has asthma, anaphylaxis, seizure disorder, or another potentially life-threatening illness; and

(ii) Is capable of, and has been instructed in, the proper method of self-administration of medication or blood glucose monitoring; and

(3) In the case of administration of insulin or emergency administration of glucagon to a student with diabetes, blood glucose monitoring of a student, ~~[or]~~ auto-injectable epinephrine to a student with anaphylaxis, or administration of seizure medicine or vagus nerve stimulation to the student having a seizure disorder, written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student has medical orders that insulin, glucagon, blood glucose monitoring, ~~[or]~~ auto-injectable epinephrine, seizure medication, or



1 vagus nerve stimulation may be administered by a
2 volunteer.

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

12 The seizure action plan shall be:

13 (1) Distributed to every school employee or volunteer
14 responsible for the supervision or care of the student
15 diagnosed with a seizure disorder; and

16 (2) Kept on file at the school at which the student is
17 enrolled.

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



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

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



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

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

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2022-2023 to
20 train employees to administer or assist with the self-



1 administration of seizure rescue medication at each public
2 school and public charter school.

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

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

7 SECTION 7. This Act shall take effect on July 1, 2022.

8

INTRODUCED BY:





S.B. NO. 2071

Report Title:

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

Description:

Requires all principals, guidance counselors, and teachers to perform self-review of seizure safety materials annually. Requires a seizure action plan for every diagnosed student and distribution of the plan to employees charged with supervising the student. Requires public schools, private 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. Makes an appropriation.

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

