

---

## A BILL FOR AN ACT

RELATING TO EDUCATION.

**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, 2025, each  
6 school may have at least one school employee on duty during the  
7 entire school day to administer or assist with the self-  
8 administration of:

9           (1) Seizure rescue medication or medication prescribed to  
10           treat seizure disorder symptoms approved by the United  
11           States Food and Drug Administration; and

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

15           (b) The department may ensure that all school employees  
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 pursuant to  
4 chapter 91 for the training of school personnel in the  
5 health care needs of students diagnosed with a seizure  
6 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, 2025, and on an annual basis  
13 thereafter, all principals, guidance counselors, and teachers  
14 employed by the department may complete at least one hour of  
15 self-study review of seizure disorder materials developed by  
16 medical professionals with 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, 2025, and on an annual basis  
21 thereafter, each school may provide an age appropriate seizure



1 education program to all students on seizures and seizure  
2 disorders. Should the seizure education program be provided,  
3 the program shall be consistent with guidelines published by the  
4 Epilepsy Foundation or any 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 SECTION 2. Chapter 302D, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§302D- Administration of emergency seizure rescue  
16 medication; training. (a) Beginning January 1, 2025, each  
17 public charter school may have at least one school employee on  
18 duty during the entire school day to administer or assist with  
19 the self-administration of:



1       (1) Seizure rescue medication or medication prescribed to  
2       treat seizure disorder symptoms approved by the United  
3       States Food and Drug Administration; and

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

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

16      (c) Beginning January 1, 2025, and on an annual basis  
17      thereafter, all principals, guidance counselors, and teachers  
18      employed by the public charter school may complete at least one  
19      hour of self-study review of seizure disorder materials  
20      developed by medical professionals with expertise in seizure  
21      treatment and consistent with best practice guidelines on the



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

3 (d) 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 public  
6 charter school may establish a seizure action plan for that  
7 student, in conjunction with the student's parent or guardian,  
8 that may include but not be limited to the identification of  
9 each employee trained to assist the student in the event of a  
10 seizure and the method by which the trained employee is to be  
11 contacted in the event of the seizure. The seizure action plan  
12 may 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 public charter school at which the  
17 student is enrolled.

18 (e) Beginning January 1, 2025, and on an annual basis  
19 thereafter, each public charter school may provide an age  
20 appropriate seizure education program to all students on  
21 seizures and seizure disorders. Should the seizure education



1 program be provided, the program shall be consistent with  
2 guidelines published by the Epilepsy Foundation or any successor  
3 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; [~~or~~]

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 with  
18 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 [~~o~~], auto-injectable epinephrine[+], 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 a 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 may establish a seizure action plan for that student, in  
3 conjunction with the student's parent or guardian, that may  
4 include but not be limited to the identification of each school  
5 employee trained to assist the student in the event of a seizure  
6 and the method by which the trained employee is contacted in the  
7 event of the seizure.

8 The seizure action plan may 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, wilful 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 2023-2024 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2024-2025 to train employees to administer or assist with



# H.B. NO. 793

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

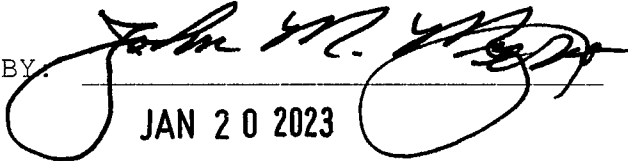
3 The sums appropriated shall be expended by the department  
4 of education for the purposes of this Act.

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

7 SECTION 6. This Act shall take effect upon its approval;  
8 provided that section 4 shall take effect on July 1, 2023.

9

INTRODUCED BY \_\_\_\_\_

  
JAN 20 2023



# H.B. NO. 793

**Report Title:**

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

**Description:**

Beginning January 1, 2025, authorizes public schools and public charter schools to have an employee trained to administer or assist with the self-administration of seizure disorder rescue medication, with certain exemptions. Authorizes all principals, guidance counselors, and teachers to perform an annual self-review of seizure disorder materials. Allows a seizure action plan for every diagnosed student to be established and distributed to employees charged with supervising the student. Appropriates funds.

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

