

1 HB32
2 196575-2
3 By Representative Boyd
4 RFD: Education Policy
5 First Read: 05-MAR-19
6 PFD: 02/14/2019

1 department and board. Approved medications may be
2 self-administered if the parent or legal guardian of the
3 student provides all of the information outlined in the
4 medication curriculum, including, but not limited to, all of
5 the following:

6 "(1) Written and signed authorization for the
7 self-administration to the chief executive officer of the
8 school.

9 "(2) Written and signed acknowledgement that the
10 school shall incur no liability and that the parent or legal
11 guardian shall indemnify and hold harmless the school and the
12 employees and agents of the school against any claims that may
13 arise relating to the self-administration of approved
14 medications.

15 "(3) Written medical authorization that includes all
16 of the following:

17 "a. The signature of the attending physician, or his
18 or her authorized agent.

19 "b. Confirmation that the student has been
20 instructed in the proper self-administration of the approved
21 medication.

22 "c. The name, purpose, and prescribed dosage of the
23 medications to be self-administered.

24 "d. The frequency with which the prescribed
25 medications are to be administered.

26 "e. Any special instructions or circumstances under
27 which the medications should be administered.

1 "f. The length of time for which the medications are
2 prescribed.

3 "(b) All documents provided to a school pursuant to
4 subsection (a) shall be kept on file in the office of the
5 school nurse or chief executive officer of the school.

6 "(c) The local board of education or the governing
7 body of the nonpublic school shall incur no liability and is
8 immune from any liability exposure created by this section.

9 "(d) Permission for the self-administration of
10 approved medications shall only be effective for the school
11 year in which permission is granted. Permission for
12 self-administration of approved medications may be granted in
13 subsequent years provided all requirements of this section are
14 satisfied.

15 "(e) Upon obtaining permission to self-administer
16 approved medications pursuant to this section, a student shall
17 be permitted to possess and self-administer approved
18 medications, according to the orders of the prescriber, at any
19 time while on school property or while attending a
20 school-sponsored event.

21 "(f) Nothing in this section shall be interpreted as
22 permitting a student to possess a controlled substance, as
23 defined in the medication curriculum, on school property.

24 "Single dose autoinjectable epinephrine, as
25 defined in subsection (c) of Section 16-1-48, is an approved
26 medication for purposes of subsection (a) that may be carried
27 on the person of and self-administered by a student.

1 "§16-1-48.

2 "(a) The State Department of Education shall develop
3 an anaphylaxis preparedness program to be adopted by each
4 local board of education and implemented in each K-12 public
5 school commencing with the 2015-2016 scholastic year. The
6 Alabama State Board of Pharmacy shall provide guidance,
7 direction, and advice to the State Department of Education in
8 developing and administering the anaphylaxis preparedness
9 program.

10 "(b) The anaphylaxis preparedness program shall
11 incorporate the following three levels of prevention initiated
12 by licensed public school nurses as a part of the health
13 services program:

14 "(1) Level I, primary prevention: Education programs
15 that address food allergies and anaphylaxis through both
16 classroom and individual instruction for staff and students.

17 "(2) Level II, secondary prevention: Identification
18 and management of chronic illness.

19 "(3) Level III, tertiary prevention: The development
20 of a planned response to anaphylaxis-related emergencies in
21 the school setting.

22 "(c) Each local board of education may collaborate
23 with a physician to develop and maintain a protocol for
24 emergency response that shall include a supply of premeasured,
25 single dose autoinjectable epinephrine on each public school
26 campus to treat potentially life threatening allergic
27 reactions. Single dose autoinjectable epinephrine consists of

1 ~~a disposable autoinjectable drug delivery device that is~~
2 ~~easily transportable and contains a premeasured single dose of~~
3 ~~epinephrine. Single dose autoinjectable epinephrine may be a~~
4 single use device used for automatic injection of a
5 premeasured dose of epinephrine into the human body or another
6 epinephrine system approved by the Federal Food and Drug
7 Administration for public use. Single dose autoinjectable
8 epinephrine may be self-administered at school by a student
9 pursuant to Section 16-1-39 or may be administered or provided
10 to school children by the school nurse, or unlicensed school
11 personnel who have completed an anaphylaxis training program
12 conducted by a nationally recognized organization experienced
13 in training laypersons in emergency health treatment or other
14 medication administration program approved by the State
15 Department of Education and State Board of Nursing. Training
16 may be conducted online or in person and, at a minimum, shall
17 cover each of the following:

18 "(1) Techniques on how to recognize symptoms of
19 severe allergic reactions, including anaphylaxis.

20 "(2) Standards and procedures for the storage and
21 administration of ~~an~~ single dose autoinjectable epinephrine.

22 "(3) Emergency follow-up procedures.

23 "(d) A school that possesses and makes available
24 single dose autoinjectable epinephrine and its employees,
25 agents, and other trained personnel, and any person who
26 conducts the training described in subsection (c), shall be
27 immune from suit and not liable for any civil damages

1 resulting from any acts or omissions in the supervision or
2 rendering of services, care, or assistance to a student under
3 this section, nor for any civil damages resulting from any
4 act, or failure to act, to provide or arrange for further
5 treatment, care, or assistance. No information or protocols
6 produced related to this section shall be construed to
7 establish a standard of care for physicians or otherwise
8 modify, amend, or supersede any provision of the Alabama
9 Medical Liability Act of 1996, commencing with Section
10 6-5-540, or any amendment thereto, or any judicial
11 interpretation thereof. Any provision of law to the contrary
12 notwithstanding, a physician who is consulted or participates
13 in regard to anaphylaxis-related emergencies, or develops,
14 maintains, or is otherwise associated with, a protocol under
15 this section, or takes any other action associated with, or
16 related to, this section, is immune from all civil and
17 criminal liability for any such acts.

18 "(e) The requirement that a supply of premeasured,
19 single dose autoinjectable epinephrine be secured and
20 maintained on each public school campus shall only be enforced
21 if funding is provided by the state."

22 Section 3. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 05-MAR-19

Read for the second time and placed
on the calendar..... 25-APR-19

Read for the third time and passed
as amended..... 14-MAY-19

Yeas 100, Nays 0, Abstains 0

Jeff Woodard
Clerk