

1 HB32  
2 196575-3  
3 By Representative Boyd  
4 RFD: Education Policy  
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ENROLLED, An Act,

To amend Sections 16-1-39 and 16-1-48, Code of Alabama 1975, relating to the administration of medications on K-12 school campuses; to name the code sections together as the Kyle Graddy Act; to allow the possession and self-administration of single dose autoinjectable epinephrine by students; and to provide further for the definition of single dose autoinjectable epinephrine.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 shall be known and may be cited as the Kyle Graddy Act.

Section 2. Sections 16-1-39 and 16-1-48 of the Code of Alabama 1975, are amended to read as follows:

"§16-1-39.

"(a) Commencing with the 2007-2008 scholastic year, each local board of education and the governing body of each nonpublic school in the state shall permit the self-administration of medications by a student for chronic conditions if conducted in compliance with the State Department of Education and State Board of Nursing Medication Curriculum, as may be amended from time to time by the department and board. Approved medications may be self-administered if the parent or legal guardian of the student provides all of the information outlined in the

1 medication curriculum, including, but not limited to, all of  
2 the following:

3 "(1) Written and signed authorization for the  
4 self-administration to the chief executive officer of the  
5 school.

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

12 "(3) Written medical authorization that includes all  
13 of the following:

14 "a. The signature of the attending physician, or his  
15 or her authorized agent.

16 "b. Confirmation that the student has been  
17 instructed in the proper self-administration of the approved  
18 medication.

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

21 "d. The frequency with which the prescribed  
22 medications are to be administered.

23 "e. Any special instructions or circumstances under  
24 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            "(g) Single dose autoinjectable epinephrine, as  
25 defined in subsection (c) of Section 16-1-48, is an approved

1 medication for purposes of subsection (a) that may be carried  
2 on the person of and self-administered by a student.

3 "§16-1-48.

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

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

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

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

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

24 "(c) Each local board of education may collaborate  
25 with a physician to develop and maintain a protocol for

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

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

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

1           "(3) Emergency follow-up procedures.

2           "(d) A school that possesses and makes available  
3     single dose autoinjectable epinephrine and its employees,  
4     agents, and other trained personnel, and any person who  
5     conducts the training described in subsection (c), shall be  
6     immune from suit and not liable for any civil damages  
7     resulting from any acts or omissions in the supervision or  
8     rendering of services, care, or assistance to a student under  
9     this section, nor for any civil damages resulting from any  
10    act, or failure to act, to provide or arrange for further  
11    treatment, care, or assistance. No information or protocols  
12    produced related to this section shall be construed to  
13    establish a standard of care for physicians or otherwise  
14    modify, amend, or supersede any provision of the Alabama  
15    Medical Liability Act of 1996, commencing with Section  
16    6-5-540, or any amendment thereto, or any judicial  
17    interpretation thereof. Any provision of law to the contrary  
18    notwithstanding, a physician who is consulted or participates  
19    in regard to anaphylaxis-related emergencies, or develops,  
20    maintains, or is otherwise associated with, a protocol under  
21    this section, or takes any other action associated with, or  
22    related to, this section, is immune from all civil and  
23    criminal liability for any such acts.

24           "(e) The requirement that a supply of premeasured,  
25     single dose autoinjectable epinephrine be secured and

1 maintained on each public school campus shall only be enforced  
2 if funding is provided by the state."

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

