

HOUSE BILL NO. HB0173

Schools-administration of epinephrine.

Sponsored by: Representative(s) Throne and Barlow and
Senator(s) Craft

A BILL

for

1 AN ACT relating to schools; authorizing the administration
2 and storage of medication required for potentially life
3 threatening conditions; imposing requirements; providing
4 guidelines; delegating duties to the department of
5 education and department of health; providing exceptions to
6 liability; providing definitions; and providing for an
7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 21-4-316 is created to read:

12

13 **21-4-316. Administration of epinephrine auto-**
14 **injectors.**

15

1 (a) A district board may adopt and implement a policy
2 whereby schools within the district may acquire and
3 maintain a supply of epinephrine auto-injectors. Upon
4 authorization by the board, school nurses and designated
5 school personnel may administer an epinephrine auto-
6 injector to a student that the school nurse or designated
7 school personnel in good faith believes is experiencing a
8 severe allergic reaction. A district board may enter into
9 arrangements with manufacturers or third-party suppliers of
10 epinephrine auto-injectors to obtain the medication at fair
11 market, free or reduced prices.

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13 (b) A district board that decides to maintain a
14 supply of epinephrine auto-injectors shall:

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16 (i) Implement a plan based on the guidelines
17 developed pursuant to this section for the management of
18 students with life threatening allergies enrolled in the
19 schools within the district;

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21 (ii) Make the plan available on the school
22 district's website or the website of each school within the
23 district, or if such websites do not exist, make the plan

1 publicly available through other practicable means as
2 determined by the board.

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4 (c) Not later than December 31, 2014, the department
5 of education, in consultation with the department of
6 health, shall develop and make available to all schools
7 guidelines for the management of students with life
8 threatening allergies. The guidelines shall include, but
9 not be limited to:

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11 (i) Identification of life threatening allergies
12 or severe allergic reactions qualifying for administration
13 of epinephrine auto-injectors under this act;

14

15 (ii) Identification of appropriate and
16 acceptable epinephrine auto-injectors;

17

18 (iii) Education and training for school
19 personnel on the management of students with life
20 threatening allergies, including training related to the
21 administration of epinephrine auto-injectors;

22

23 (iv) Procedures for responding to life
24 threatening allergies;

1

2 (v) A process for the development of
3 individualized health care and allergy action plans for
4 every student with a life threatening allergy;

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6 (vi) Protocols to prevent exposure to allergens;

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8 (vii) Requirements for each school to keep a
9 record of each incident that involves a life threatening
10 allergy or the administration of epinephrine auto-
11 injectors;

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13 (viii) Requirements for school nurses in schools
14 that have adopted a policy allowing for the administration
15 of epinephrine auto-injectors pursuant to this section to
16 report to the department of education whether the school
17 nurse has trained and designated any school personnel to
18 administer epinephrine auto-injectors and, if so, the
19 number of employees in the school or school district who
20 have been trained and designated to administer epinephrine
21 auto-injectors;

22

23 (ix) Requirements for school nurses and
24 designated school personnel to certify appropriate

1 qualification to administer epinephrine auto-injectors or
2 completion of a training program approved by the department
3 of education, in consultation with the department of
4 health.

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6 (d) A school that possesses and makes available
7 epinephrine auto-injectors and those persons specified in
8 this subsection shall not be liable for damages for any
9 injuries that result from the administration of, self-
10 administration of, or failure to administer epinephrine
11 auto-injectors that may constitute ordinary
12 negligence. This immunity applies regardless of whether
13 authorization was provided by the student's parent or
14 guardian or by the student's health care provider. This
15 immunity does not apply to acts or omissions constituting
16 gross, willful or wanton negligence. To qualify for this
17 immunity, the governing authority of a nonpublic school
18 that decides to maintain a supply of epinephrine auto-
19 injectors shall have implemented a policy based on the
20 guidelines adopted by the state department of education as
21 described in this section. The administration of
22 epinephrine auto-injectors in accordance with this section
23 is not the practice of medicine. The immunity from
24 liability provided under this section is in addition to and

1 not in lieu of that provided under W.S. 1-1-120. The
2 immunity provided in this subsection extends to:

3

4 (i) A district board, school nurses, employees,
5 agents and volunteers of the district;

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7 (ii) An authorized health care provider who
8 prescribes epinephrine auto-injectors; and

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10 (iii) An individual or entity that conducts the
11 training described in this section.

12

13 (e) As used in this section:

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15 (i) "Administer" or "administration" means the
16 direct application of a epinephrine auto-injector;

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18 (ii) "Authorized health care provider" means an
19 individual authorized by law to prescribe and administer
20 prescription drugs in the course of professional practice;

21

22 (iii) "Designated school personnel" means an
23 employee, agent or volunteer of a school designated by the
24 governing board of the school who has completed the

1 training required under this section to provide or
2 administer epinephrine auto-injectors;

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4 (iv) "District board" means a school district
5 board of education of a public school or the governing
6 board of a nonpublic school;

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8 (v) "Provide" means the supply of one (1) or
9 more epinephrine auto-injectors;

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11 (vi) "School" means any public or nonpublic
12 school;

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14 (vii) "Self-administration" means a student or
15 other person's discretionary use of epinephrine auto-
16 injectors, whether provided by the student or by a school
17 nurse or designated school personnel pursuant to this
18 section.

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20 (f) Nothing in this section shall be held to apply to
21 or affect W.S. 21-4-310.

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2 **Section 2.** This act is effective July 1, 2014.

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(END)