

SB226_L.007

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-226 be amended as follows:

1 Amend reengrossed bill, page 4, line 16, strike "rules." and substitute
2 "rules - approval of treatment plans.";

3 strike lines 24 through 27 and substitute the following:

4 "EMPLOYEES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, EMPLOYEES
5 WHO ARE DIRECTLY INVOLVED DURING THE SCHOOL DAY WITH A STUDENT
6 WHO HAS A KNOWN FOOD ALLERGY."

7 Page 5, strike lines 1 through 5;

8 line 19, after "22-32-139;" add "AND".

9 Strike page 6 and substitute the following:

10 " (b) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
11 PARAGRAPH (a) OF THIS SUBSECTION (3) INCLUDE THE STANDARD FORM
12 DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
13 PURSUANT TO SECTION 25-1.5-109, C.R.S., TO ALLOW EACH PARENT OR
14 LEGAL GUARDIAN OF A STUDENT WITH A KNOWN FOOD ALLERGY TO
15 PROVIDE THE FOLLOWING INFORMATION TO THE SCHOOL'S
16 ADMINISTRATION:

17 (I) DOCUMENTATION REGARDING THE DIAGNOSIS AND HISTORY OF
18 THE STUDENT'S FOOD ALLERGY;

19 (II) IDENTIFICATION OF ALL FOODS TO WHICH THE STUDENT IS
20 KNOWN TO BE ALLERGIC;

21 (III) IDENTIFICATION OF ANY MEDICATION THAT HAS BEEN
22 PRESCRIBED FOR THE STUDENT FOR THE TREATMENT OF A FOOD ALLERGY
23 OR ANAPHYLAXIS;



1 (IV) ANY SPECIFIC SIGNS OR SYMPTOMS THAT MAY INDICATE THE
2 STUDENT IS HAVING AN ALLERGIC REACTION TO A FOOD;

3 (V) EMERGENCY TREATMENT PROCEDURES TO EMPLOY IN THE
4 EVENT THAT THE STUDENT SUFFERS AN ALLERGIC REACTION TO FOOD; AND

5 (VI) THE NAME, PHONE NUMBER, AND SIGNATURE OF THE
6 STUDENT'S PRIMARY HEALTH CARE PROVIDER.

7 (c) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
8 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL ENCOURAGE EACH PARENT
9 OR LEGAL GUARDIAN OF A STUDENT WITH A KNOWN FOOD ALLERGY TO
10 PROVIDE THE NAMES AND TELEPHONE NUMBERS OF PERSONS WHOM THE
11 SCHOOL SHOULD CONTACT IN ADDITION TO EMERGENCY MEDICAL
12 PERSONNEL IN THE EVENT THAT THE STUDENT SUFFERS AN ALLERGIC
13 REACTION TO FOOD;"

14 Page 7, strike lines 1 through 5 and substitute the following:

15 "(d) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
16 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL".

17 Reletter succeeding paragraphs accordingly.

18 Page 7, line 11, after "SECTION 22-1-119.5", insert "OR SUBSECTION (4) OF
19 THIS SECTION";

20 line 13, strike "STRATEGIES" and substitute "REASONABLE
21 ACCOMMODATIONS";

22 line 19, after "TRIPS,", add "SCHOOL-SPONSORED".

23 Page 8, strike line 1 and substitute the following:

24 "(h) PROCEDURES TO ENSURE THE AVAILABILITY OF A STUDENT'S
25 SELF-INJECTABLE";

26 after line 4, insert the following:

27 "(4) (a) A STUDENT WITH A KNOWN FOOD ALLERGY MAY POSSESS
28 AND SELF-ADMINISTER MEDICATION TO TREAT THE STUDENT'S FOOD



1 ALLERGY IF THE STUDENT HAS A TREATMENT PLAN APPROVED PURSUANT
2 TO THIS SUBSECTION (4).

3 (b) A PUBLIC SCHOOL SHALL, AND A NONPUBLIC SCHOOL IS
4 ENCOURAGED TO, APPROVE A TREATMENT PLAN FOR A STUDENT ENROLLED
5 IN THE SCHOOL TO POSSESS AND SELF-ADMINISTER MEDICATION FOR A
6 FOOD ALLERGY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

7 (I) A HEALTH CARE PRACTITIONER HAS PRESCRIBED MEDICATION
8 FOR THE STUDENT TO USE DURING SCHOOL HOURS, AT SCHOOL-SPONSORED
9 ACTIVITIES, AND WHILE IN TRANSIT TO OR FROM SCHOOL OR
10 SCHOOL-SPONSORED ACTIVITIES AND HAS INSTRUCTED THE STUDENT IN
11 THE CORRECT AND RESPONSIBLE USE OF THE MEDICATION;

12 (II) THE STUDENT DEMONSTRATES TO AN APPROPRIATE SCHOOL
13 ADMINISTRATOR, THE HEALTH CARE PRACTITIONER OR THE HEALTH CARE
14 PRACTITIONER'S DESIGNEE, AND THE SCHOOL NURSE THE SKILL LEVEL
15 NECESSARY TO USE THE MEDICATION AND ANY DEVICE THAT IS NECESSARY
16 TO ADMINISTER THE MEDICATION AS PRESCRIBED;

17 (III) THE SCHOOL NURSE, AN APPROPRIATE SCHOOL
18 ADMINISTRATOR, THE STUDENT'S PARENT OR LEGAL GUARDIAN, AND THE
19 HEALTH CARE PRACTITIONER COLLABORATE TO FORMULATE A WRITTEN
20 TREATMENT PLAN FOR MANAGING FOOD ALLERGY EPISODES OF THE
21 STUDENT AND FOR MEDICATION USE BY THE STUDENT DURING SCHOOL
22 HOURS, AT SCHOOL-SPONSORED ACTIVITIES, AND WHILE IN TRANSIT TO OR
23 FROM SCHOOL OR SCHOOL-SPONSORED ACTIVITIES;

24 (IV) THE STUDENT'S PARENT OR LEGAL GUARDIAN COMPLETES
25 AND SUBMITS TO THE PUBLIC OR NONPUBLIC SCHOOL THE
26 DOCUMENTATION REQUIRED BY RULE OF THE STATE BOARD OF EDUCATION
27 PURSUANT TO SUBSECTION (3) OF THIS SECTION, INCLUDING BUT NOT
28 LIMITED TO:

29 (A) A WRITTEN MEDICAL AUTHORIZATION THAT INCLUDES THE
30 SIGNATURE OF THE HEALTH CARE PRACTITIONER FOR THE MEDICATION
31 PRESCRIBED; THE NAME, PURPOSE, PRESCRIBED DOSAGE, FREQUENCY, AND
32 LENGTH OF TIME BETWEEN DOSAGES OF THE MEDICATIONS TO BE
33 SELF-ADMINISTERED; AND CONFIRMATION FROM THE HEALTH CARE
34 PRACTITIONER THAT THE STUDENT HAS BEEN INSTRUCTED AND IS CAPABLE
35 OF SELF-ADMINISTRATION OF THE PRESCRIBED MEDICATIONS;



1 (B) A WRITTEN STATEMENT FROM THE STUDENT'S PARENT OR
2 LEGAL GUARDIAN RELEASING THE SCHOOL, SCHOOL DISTRICT, ANY
3 ASSOCIATED ENTITY, AND EMPLOYEES AND VOLUNTEERS OF THE SCHOOL,
4 SCHOOL DISTRICT, AND ANY ASSOCIATED ENTITY FROM LIABILITY, EXCEPT
5 IN CASES OF WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE
6 CRITERIA OF THE TREATMENT PLAN; AND

7 (C) A WRITTEN CONTRACT BETWEEN THE SCHOOL NURSE, THE
8 STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN ASSIGNING
9 LEVELS OF RESPONSIBILITY TO THE PARENT OR LEGAL GUARDIAN,
10 STUDENT, AND SCHOOL EMPLOYEES.

11 (c) A TREATMENT PLAN SHALL BE EFFECTIVE ONLY FOR THE
12 SCHOOL YEAR IN WHICH IT IS APPROVED. THE PUBLIC SCHOOL SHALL
13 APPROVE A NEW TREATMENT PLAN FOR EACH SCHOOL YEAR SO LONG AS
14 THE PLAN MEETS THE CONDITIONS SPECIFIED IN PARAGRAPH (b) OF THIS
15 SUBSECTION (4). THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT A NEW
16 TREATMENT PLAN ANNUALLY OR MORE OFTEN IF CHANGES OCCUR IN THE
17 STUDENT'S HEALTH OR PRESCRIBED TREATMENT.

18 (5) IF THE PROVISIONS OF THIS SECTION ARE MET, A SCHOOL,
19 SCHOOL DISTRICT, SCHOOL DISTRICT DIRECTOR, OR SCHOOL OR SCHOOL
20 DISTRICT EMPLOYEE OR A VOLUNTEER NOT OTHERWISE PROVIDED FOR
21 UNDER SECTION 13-21-108, C.R.S., SHALL NOT BE LIABLE IN A SUIT FOR
22 DAMAGES AS A RESULT OF AN ACT OR OMISSION RELATED TO A STUDENT'S
23 OWN USE OF THE STUDENT'S EPINEPHRINE AUTO-INJECTOR OR ANY OTHER
24 MEDICATION CONTAINED IN AN APPROVED TREATMENT PLAN UNLESS THE
25 DAMAGES WERE CAUSED BY WILLFUL OR WANTON CONDUCT OR
26 DISREGARD OF THE CRITERIA OF THE TREATMENT PLAN.

27 (6) THE STATE BOARD OF EDUCATION, WITH ASSISTANCE FROM THE
28 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY PROMULGATE
29 RULES FOR TREATMENT PLANS FOR THE SELF-ADMINISTRATION OF
30 MEDICATIONS PURSUANT TO THIS SECTION."

31 Page 10, line 6, strike "SECTION 22-2-135 (3) (a)" and substitute "SECTION
32 22-2-135 (3) (b), C.R.S.";

33 strike line 7.

** ** ** ** **

