A BILL FOR AN ACT

CONCERNING THE USE OF EPINEPHRINE AUTO-INJECTORS IN EMERGENCY SITUATIONS IN SCHOOL SETTINGS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The governing authority of public and nonpublic schools may adopt a policy to authorize the school nurse or other designated school personnel to administer an epinephrine auto-injector to any student that the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis, in accordance with a standing protocol from a
licensed physician, physician's assistant, or advance practice nurse with prescriptive authority, and regardless of whether the student has a prescription for an epinephrine auto-injector. Schools may acquire and maintain a stock supply of epinephrine auto-injectors. A governing authority of a school may enter into arrangements with manufacturers or third-party suppliers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market or reduced prices or for free.

The state board of education, with assistance from the department of public health and environment, is required to adopt rules on the management of students with life-threatening allergies, training of users of epinephrine auto-injectors, and on the reporting of incidences of anaphylaxis and the administration of epinephrine auto-injectors.

The bill requires a public school that obtains epinephrine auto-injectors to meet the rules on training, maintenance, and physician involvement requirements. The department of education shall develop and publish an annual report compiling, summarizing, and analyzing all incident reports submitted to the department.

The bill limits the liability of a public or nonpublic school and a good-faith user of an epinephrine auto-injector in emergency situations in school settings when the school has adopted a policy on the administration of epinephrine auto-injectors in accordance with a standing protocol. To qualify for the limited immunity protection, a nonpublic school must follow the state board of education's rules on training, maintenance, and physician-involvement requirements. The bill extends the limited immunity under current law available to a public school to a nonpublic school when a student self-administers an epinephrine auto-injector pursuant to an approved treatment plan.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-1-119.5, amend (6) and (8); and add (5.5) as follows:

22-1-119.5. Asthma, food allergy, and anaphylaxis health management - self-administered medication - staff-administered medication - rules - definitions. (5.5) (a) As used in this subsection (5.5) and in subsection (6) of this section, unless the context otherwise requires:

(I) "Administer" means the direct application of an epinephrine auto-injector to the body of an individual.
(II) "DESIGNATED SCHOOL PERSONNEL" MEANS AN EMPLOYEE OR AGENT OF A SCHOOL DESIGNATED BY THE GOVERNING AUTHORITY OF A SCHOOL WHO HAS COMPLETED THE TRAINING REQUIRED BY RULE TO ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO A STUDENT.

(III) "GOVERNING AUTHORITY OF A SCHOOL" MEANS A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE GOVERNING BOARD OF A NONPUBLIC SCHOOL.

(IV) "PRESCRIPTION" MEANS ANY ORDER ISSUED IN WRITING, DATED AND SIGNED BY A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., A PHYSICIAN'S ASSISTANT LICENSED IN ACCORDANCE WITH SECTION 12-36-107.4, C.R.S., OR AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY IN ACCORDANCE WITH SECTION 12-36-106.4, C.R.S.

(V) "SCHOOL" MEANS ANY PUBLIC OR NONPUBLIC SCHOOL.

(b) A GOVERNING AUTHORITY OF A SCHOOL MAY ADOPT AND IMPLEMENT A POLICY WHEREBY SCHOOLS UNDER ITS JURISDICTION MAY ACQUIRE AND MAINTAIN A STOCK SUPPLY OF EPINEPHRINE AUTO-INJECTORS.

(c) A GOVERNING AUTHORITY OF A SCHOOL MAY ADOPT A POLICY FOR SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE OR OTHER DESIGNATED SCHOOL PERSONNEL TO ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO ANY STUDENT THAT THE SCHOOL NURSE OR DESIGNATED SCHOOL PERSONNEL IN GOOD FAITH BELIEVES IS EXPERIENCING ANAPHYLAXIS, IN ACCORDANCE WITH A STANDING PROTOCOL FROM A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT, OR ADVANCE PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY, REGARDLESS
OF WHETHER THE STUDENT HAS A PRESCRIPTION FOR AN EPINEPHRINE
AUTO-INJECTOR.

(d) A GOVERNING AUTHORITY OF A SCHOOL MAY ENTER INTO
ARRANGEMENTS WITH MANUFACTURERS OF EPINEPHRINE AUTO-INJECTORS
OR THIRD-PARTY SUPPLIERS OF EPINEPHRINE AUTO-INJECTORS TO OBTAIN
EPINEPHRINE AUTO-INJECTORS AT FAIR-MARKET OR REDUCED PRICES OR
FOR FREE.

(e) THE GOVERNING AUTHORITY OF A PUBLIC SCHOOL THAT
DECIDES TO MAINTAIN A SUPPLY OF EPINEPHRINE AUTO-INJECTORS AS
DESCRIBED IN THIS SUBSECTION (5.5) SHALL:

(I) IMPLEMENT A PLAN BASED ON THE RULES DEVELOPED
Pursuant to Subsection (8) of this Section for the Management of
Students with Life-Threatening Allergies Enrolled in Schools
Under Its Jurisdiction; and

(II) MAKE SUCH PLAN AVAILABLE ON SUCH GOVERNING
AUTHORITY'S WEB SITE OR THE WEB SITE OF EACH SCHOOL UNDER THE
GOVERNING AUTHORITY'S JURISDICTION, OR IF SUCH WEB SITES DO NOT
EXIST, MAKE SUCH PLAN AVAILABLE TO PARENTS AND OTHER INTERESTED
PERSONS THROUGH OTHER PRACTICAL MEANS AS DETERMINED BY SUCH
GOVERNING AUTHORITY.

(f) TO QUALIFY FOR THE PROTECTIONS IN SUBSECTION (6) OF THIS
SECTION, THE GOVERNING AUTHORITY OF A NONPUBLIC SCHOOL THAT
DECIDES TO MAINTAIN A SUPPLY OF EPINEPHRINE AUTO-INJECTORS AS
DESCRIBED IN THIS SUBSECTION (5.5) MUST IMPLEMENT A PLAN BASED ON
THE RULES ADOPTED BY THE STATE BOARD OF EDUCATION AS DESCRIBED
IN SUBSECTION (8) OF THIS SECTION.

(g) THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND
PUBLISH AN ANNUAL REPORT COMPILING, SUMMARIZING, AND ANALYZING ALL INCIDENT REPORTS SUBMITTED TO THE DEPARTMENT PURSUANT TO PARAGRAPH (e) OF SUBSECTION (8) OF THIS SECTION.

(6) UNLESS THE DAMAGES WERE CAUSED BY WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE CRITERIA OF AN APPROVED TREATMENT PLAN, if the provisions of this section are met, a school, school district, school district director, or school or school district employee or a volunteer not otherwise provided for under section 13-21-108, C.R.S., shall not be liable in a suit for damages as a result of an act or omission related to:

(a) A student's own use of the student's epinephrine auto-injector or any other medication contained in an approved treatment plan; unless the damages were caused by willful or wanton conduct or disregard of the criteria of the treatment plan. OR

(b) THE GOOD-FAITH ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR IN ACCORDANCE WITH A POLICY AND A STANDING PROTOCOL ON THE ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5.5) OF THIS SECTION AND PURSUANT TO A PLAN ADOPTED PURSUANT TO PARAGRAPH (e) OR (f) OF SUBSECTION (5.5) OF THIS SECTION.

(8) The state board of education, with assistance from the department of public health and environment, shall promulgate AND REVISE, AS NECESSARY, rules for treatment plans for the self-administration of medications MANAGEMENT OF STUDENTS WITH LIFE-THREATENING ALLERGIES pursuant to this section. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES ON OR BEFORE DECEMBER 31, 2013, TO INCLUDE, BUT NOT BE LIMITED TO:
(a) **Education and Training for School Nurses and Designated School Personnel on the Management of Students with Life-Threatening Allergies**, including training related to the administration of an epinephrine auto-injector. In developing the rules on education and training, the State Board shall solicit input from an organization that represents school nurses.

(b) **Procedures for Responding to Life-Threatening Allergic Reactions**;

(c) **A Process for the Development of Individualized Health Care and Allergy Action Plans** for every student with a known life-threatening allergy, including the self-administration of medications pursuant to subsection (2) of this section;

(d) **Protocols to Prevent Exposure to Allergens**;

(e) **Requirements** for each school to submit, on a form developed by the Department of Education, a report of each incident at the school or a related-school event involving a severe allergic reaction or the administration of an epinephrine auto-injector or both;

(f) **Detailed Standards for Training Programs** that must be completed by school nurses and designated school personnel in order to administer an epinephrine auto-injector in accordance with subsection (5.5) of this section. Training may be conducted on-line and, at a minimum, shall cover:

   (I) **Techniques** on how to recognize symptoms of severe allergic reactions, including anaphylaxis;

   (II) **Standards and Procedures** for the storage and
ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR; AND

(III) EMERGENCY FOLLOW-UP PROCEDURES AFTER ADMINISTERING

AN EPINEPHRINE AUTO-INJECTOR.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.