

A BILL

25-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To amend the Student Access to Treatment Act of 2007 to require the Department of Health to develop and implement an Undesignated Emergency Medications Action Plan that would authorize public schools to possess and administer undesignated emergency medications determined by the Department of Health, to require the Department of Health to oversee the procurement and distribution of undesignated medications and maintain records regarding the types and quantities of undesignated medications to ensure an adequate supply, to require at least two employees or agents of each public school to be certified in the use of undesignated emergency medications, and to require the Office of the State Superintendent of Education to oversee school compliance with the employee certification requirement and provide schools with resources for the storage of undesignated medication and dissemination of public school employee contact information.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Access to Emergency Medications Amendment Act of 2023.”

Sec. 2. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) A new paragraph (5B) is added to read as follows:

“(5B) “Undesignated emergency medication” means:

“(A) Albuterol;

“(B) Glucagon; and

32 “(C) Any other medication designated by the Department of Health by rule
33 pursuant to section 13 that would be administered in emergency circumstances to a student
34 without a prescription for that medication on file with the school.”.

35 (2) A new paragraph (7A) is added to read as follows:

36 “(7A) “UEMA plan” means the undesignated emergency medications action plan
37 established pursuant to section 7.”.

38 (b) Section 7 (D.C. Official Code § 38-651.06) is amended to read as follows:

39 “Sec. 7. Student access to emergency medications.

40 “(a) By February 1, 2024, the Department of Health (“Department”) shall establish a
41 UEMA plan that authorizes a public school to possess and administer undesignated emergency
42 medications to students without prescriptions for those medications.

43 “(b) By June 1, 2024, the Department shall obtain a standing order signed by at least one
44 physician, physician assistant, or advanced practice nurse licensed in the District to permit public
45 schools to use undesignated emergency medications.

46 “(c) Under the UEMA plan, the Department shall:

47 “(1) Ensure that undesignated emergency medications are procured and
48 distributed to public schools for use in emergency circumstances;

49 “(2) Ensure the removal and replacement of expired undesignated agency
50 medication in a timely manner;

51 “(3) Monitor the supply of undesignated emergency medications and ensure
52 sufficient supply is provided to public schools;

53 “(4) Maintain records of the types and quantities of undesignated emergency
54 medications at each public school;

55 “(5) Maintain records regarding the procurement, distribution, and disposition of
56 undesignated medications for 3 years; and

57 “(6) Establish written protocols for schools to notify a student’s responsible
58 person and health suite personnel after the school’s certified staff or agent administers an
59 undesignated emergency medication.

60 “(d)(1) Beginning July 1, 2024, each public school shall:

61 “(A) Designate at least 2 employees or agents of the school to be certified
62 in the use of undesignated emergency medications who are available to administer medications
63 during all hours of the school day;

64 “(B) Store undesignated emergency medications in a secure but easily
65 accessible location in accordance with the manufacturer’s instructions; and

66 “(C) Communicate the contact information of the school’s certified
67 employees or agents to all staff and personnel at the school.

68 “(2) For the purposes of this subsection, the term “certified” means an individual
69 who has obtained a certificate of completion of the Department’s medication training program
70 pursuant to section 5.

71 “(e) OSSE shall:

72 “(1) Require written proof of compliance with subsection (d) of this section from
73 each public school on an annual basis;

74 “(2) Require any public school not in compliance to submit a plan outlining the
75 steps the school will take to address the noncompliance;

76 “(3) Provide public schools with resources to implement the requirements of
77 subsection (d) of this section; and

78 “(4) Maintain records regarding each public school’s compliance with subsection
79 (d) of this section for 3 years.

80 “(f)(1) An employee or agent of a public school who is certified pursuant to this section
81 may administer an undesignated emergency medication to a student whom the employee or agent
82 believes in good faith to immediately require the medication.

83 “(2)(A) Undesignated emergency medications may be used on public school
84 property, including the school building, playground, and school bus, as well as during field trips
85 or sanctioned excursions away from public school property.

86 “(B) The certified employee or agent of the public school may carry an
87 appropriate supply of the public school’s undesignated emergency medications on field trips or
88 excursions; provided, that there remains a sufficient supply of undesignated emergency
89 medication in the school building.

90 “(3) Within one business day of administering an undesignated emergency
91 medication to a student, the public school shall notify the Department, who shall in turn:

92 “(A) Notify OSSE;

93 “(B) Notify the physician, physician assistant, or advance practice nurse
94 who provided the standing order for the undesignated emergency medication; and

95 “(C) Provide guidance to the school on how to notify the student’s
96 responsible person and health suite personnel that undesignated emergency medication was
97 administered.

98 “(g) An employee or agent of a public school who is certified pursuant to this section
99 may also administer medication for which they are trained to a student to whom it is prescribed,
100 who the employee or agent believes in good faith requires the immediate use of the medication.

101 “(h) DC Health shall develop a procedure by which the responsible person may request
102 that the student not receive treatment in emergency circumstances.”.

103 (c) Section 13 (D.C. Official Code § 38-651.12) is amended by adding a new subsection
104 (e) to read as follows:

105 “(e) The Department of Health shall issue rules to implement the provisions of section 7,
106 including the creation of a list designating specific medications that would be administered in
107 emergency circumstances.”.

108 Sec. 3. Applicability.

109 (a) Amended section 7(b) through (h) within section 2(b) shall apply upon the date of
110 inclusion of its fiscal effect in an approved budget and financial plan.

111 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
112 an approved budget and financial plan, and provide notice to the Budget Director of the Council
113 of the certification.

114 (c)(1) The Budget Director shall cause the notice of the certification to be published in
115 the District of Columbia Register.

116 (2) The date of publication of the notice of the certification shall not affect the
117 applicability of this act.

118 Sec. 4. Fiscal impact statement.

119 The Council adopts the fiscal impact statement in the committee report as the fiscal
120 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
121 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

122 Sec. 5. Effective date.

123 This act shall take effect following approval by the Mayor (or in the event of veto by the
124 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
125 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
126 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
127 Columbia Register.