

HOUSE BILL No. 2086

By Committee on Education

1-21

1 AN ACT concerning schools; relating to school districts and nonpublic
2 schools; emergency medication kits for certain life-threatening
3 conditions; requiring a prescription for distribution of emergency
4 medication to schools; administration of emergency medication by
5 school personnel, training; exempting certain persons from the practice
6 of healing arts and civil liability if acting in good faith; amending
7 K.S.A. 65-1680, 65-2872b and 72-6283 and repealing the existing
8 sections.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 65-1680 is hereby amended to read as follows: 65-
12 1680. ~~The state board of pharmacy may adopt any rules and regulations~~
13 ~~which the board deems necessary in relation to the maintenance of~~
14 ~~epinephrine kits under K.S.A. 72-6483, and amendments thereto. (a) A~~
15 ~~pharmacist may distribute a stock supply of standard-dose and pediatric-~~
16 ~~dose epinephrine auto-injectors to a school pursuant to a prescription~~
17 ~~pursuant to K.S.A. 72-6283, and amendments thereto. A pharmacist who~~
18 ~~distributes a stock supply of standard-dose or pediatric-dose epinephrine~~
19 ~~auto-injectors to a school shall not be liable for civil damages resulting~~
20 ~~from the administration of such medication pursuant to this section or~~
21 ~~K.S.A. 65-2872b or 72-6283, and amendments thereto.~~

22
23 (b) *A pharmacist may distribute a stock supply of albuterol metered-*
24 *dose inhalers, albuterol solution and spacers to a school pursuant to a*
25 *prescription from a physician or mid-level practitioner in the name of the*
26 *school made pursuant to K.S.A. 72-6283, and amendments thereto. A*
27 *pharmacist who distributes a stock supply of albuterol metered dose*
28 *inhalers, albuterol solution or spacers to a school shall not be liable for*
29 *civil damages resulting from the administration of such medication*
30 *pursuant to this section or K.S.A. 65-2872b or 72-6283, and amendments*
31 *thereto.*

32 (c) *The words and terms used in this section mean the same as*
33 *defined in K.S.A. 72-6283, and amendments thereto.*

34 Sec. 2. K.S.A. 65-2872b is hereby amended to read as follows: 65-
35 2872b. (a) The practice of the healing arts shall not be construed to include
36 any person administering epinephrine *or albuterol* in emergency situations

1 to a student or a member of a school staff *an individual* if: (1) (A) The
2 person administering the epinephrine reasonably believes that the ~~student~~
3 ~~or staff member~~ *individual* is exhibiting the signs and symptoms of an
4 anaphylactic reaction; or (B) *the person administering the albuterol*
5 *reasonably believes that the individual is exhibiting the signs and*
6 *symptoms of respiratory distress*; (2) a physician or mid-level practitioner,
7 *after reviewing the school's policies and procedures*, has authorized, in
8 writing, the school to maintain a stock supply of ~~epinephrine~~ *emergency*
9 *medication*; and (3) the ~~epinephrine~~ *emergency medication* is administered
10 at school, on school property or at a school-sponsored event.

11 (b) Any person who gratuitously and in good faith renders emergency
12 care or treatment through the administration of ~~epinephrine~~ *emergency*
13 *medication* to a ~~student or a member of a school staff~~ *an individual* at
14 school, on school property or at a school-sponsored event, *and any school*
15 *that employs or contracts such person*, shall not be held liable for any civil
16 damages as a result of such care or administration or as a result of any act
17 or failure to act in providing or arranging further medical treatment where
18 the person acts as an ordinary reasonably prudent person would have acted
19 under the same or similar circumstances.

20 (c) *A physician or mid-level practitioner who writes a prescription*
21 *for emergency medication or provides training to school personnel on the*
22 *administration of emergency medication shall not be liable for civil*
23 *damages resulting from the administration of emergency medication*
24 *pursuant to this section or K.S.A. 65-1680 or 72-6283, and amendments*
25 *thereto.*

26 (d) *The words and terms used in this section mean the same as*
27 *defined in K.S.A. 72-6283, and amendments thereto.*

28 Sec. 3. K.S.A. 72-6283 is hereby amended to read as follows: 72-
29 6283. ~~Any accredited school may maintain an epinephrine kit. An~~
30 ~~epinephrine kit may consist of one or more doses of epinephrine.~~
31 ~~Epinephrine from an epinephrine kit shall be used only in emergency~~
32 ~~situations when the person administering the epinephrine reasonably~~
33 ~~believes that the signs and symptoms of an anaphylactic reaction are~~
34 ~~occurring and if administered at school, on school property or at a school-~~
35 ~~sponsored event. A school may not maintain an epinephrine kit unless the~~
36 ~~school has consulted with a pharmacist licensed by the state board of~~
37 ~~pharmacy. The consultant pharmacist shall have supervisory responsibility~~
38 ~~for maintaining the epinephrine kit. The consultant pharmacist shall be~~
39 ~~responsible for developing procedures, proper control and accountability~~
40 ~~for the epinephrine kit. Periodic physical inventory of the epinephrine kit~~
41 ~~shall be required. An epinephrine kit shall be maintained under the control~~
42 ~~of the consultant pharmacist. (a) As used in this section and K.S.A. 65-~~
43 ~~1680 and 65-2872b, and amendments thereto:~~

1 (1) "Albuterol" means a short-acting beta-2 agonist inhaled
2 medication, otherwise known as a bronchodilator, that is prescribed by a
3 physician or mid-level practitioner for the treatment of respiratory
4 distress.

5 (2) "Albuterol metered-dose inhaler" means a portable drug delivery
6 system containing a canister of multiple premeasured doses of albuterol in
7 a device actuator.

8 (3) "Albuterol solution" means a liquid form of albuterol for use with
9 a nebulizer.

10 (4) "Anaphylaxis" or "anaphylactic reaction" means a sudden,
11 severe and potentially life-threatening multi-system allergic reaction.

12 (5) "Designated school personnel" means an employee, officer, agent
13 or volunteer of a school who has completed training documented by the
14 school nurse, a physician or a mid-level practitioner to administer
15 emergency medication on a voluntary basis outside of the scope of
16 employment.

17 (6) "Emergency medication" means epinephrine or albuterol.

18 (7) "Epinephrine" means a medication prescribed by a physician or
19 mid-level practitioner for the emergency treatment of anaphylaxis prior to
20 the arrival of emergency medical system responders.

21 (8) "Epinephrine auto-injector" means a device that automatically
22 injects a premeasured dose of epinephrine.

23 (9) "Mid-level practitioner" means the same as such term is defined
24 in K.S.A. 65-1626, and amendments thereto.

25 (10) "Nebulizer" means a device that is used to change a liquid
26 medication to a fine spray of liquid or mist for the administration of the
27 medication through inhalation.

28 (11) "Pharmacist" means the same as such term is defined in K.S.A.
29 65-1626, and amendments thereto.

30 (12) "Physician" means any person licensed by the state board of
31 healing arts to practice medicine and surgery.

32 (13) "Respiratory distress" means impaired ventilation of the
33 respiratory system or impaired oxygenation of the blood.

34 (14) "School" means any school district organized under the laws of
35 this state or any accredited nonpublic school that provides education to
36 elementary or secondary students.

37 (15) "School nurse" means a registered nurse licensed by the board
38 of nursing to practice nursing in Kansas or a licensed practical nurse
39 working under a registered nurse who is employed by a school to perform
40 nursing services in a school setting.

41 (16) "Spacer" means a holding chamber that is used to optimize the
42 delivery of aerolized albuterol from an albuterol metered-dose inhaler.

43 (17) "Stock supply" means an appropriate quantity of emergency

1 medication as recommended by a physician or mid-level practitioner.

2 (b) A school may maintain a stock supply of emergency medication
3 upon obtaining a prescription from a physician or mid-level practitioner
4 in the name of the school. A physician or mid-level practitioner shall
5 review the school's policies and procedures established pursuant to
6 subsection (c) prior to prescribing such emergency medication.

7 (1) A stock supply of epinephrine may consist of one or more
8 standard-dose or pediatric-dose epinephrine auto-injectors. A school
9 nurse or designated school personnel may administer such epinephrine in
10 an emergency situation to any individual who displays the signs and
11 symptoms of anaphylaxis at school, on school property or at a school-
12 sponsored event if such school nurse or designated school personnel
13 reasonably believes that an individual is exhibiting the signs and
14 symptoms of an anaphylactic reaction.

15 (2) A stock supply of albuterol may consist of one or more albuterol
16 metered-dose inhalers, one or more doses of albuterol solution and one or
17 more spacers or nebulizers. A school nurse or designated school
18 personnel may administer such albuterol in an emergency situation to any
19 individual who displays the signs and symptoms of respiratory distress at
20 school, on school property or at a school-sponsored event if such school
21 nurse or designated school personnel reasonably believes that an
22 individual is exhibiting the signs and symptoms of respiratory distress.

23 (c) A school that maintains a stock supply of emergency medication
24 shall establish school policies and procedures relating to:

25 (1) Storage of the emergency medication, which shall require that the
26 emergency medication is stored:

27 (A) In a safe location that is readily accessible to the school nurse or
28 designated school personnel; and

29 (B) in accordance with manufacturer temperature recommendations;

30 (2) periodic monitoring of the inventory and expiration dates of
31 emergency medication;

32 (3) administration of emergency medication by designated school
33 personnel; and

34 (4) training requirements for designated school personnel, which
35 shall be conducted on no less than an annual basis for such designated
36 school personnel. Such training shall include, but not be limited to, the
37 following:

38 (A) Recognition of the symptoms of anaphylaxis and respiratory
39 distress;

40 (B) administration of emergency medication;

41 (C) calling for emergency medical system responders;

42 (D) monitoring the condition of an individual after emergency
43 medication has been administered;

1 (E) notification of the parent, guardian or next of kin; and

2 (F) safe disposal and sanitation of used equipment.

3 (d) A school shall publish information related to the school's
4 emergency medication policies and procedures and shall maintain records
5 of the training provided to designated school personnel.

6 (e) A school may accept monetary gifts, grants and donations to
7 carry out the provisions of this section or may accept epinephrine auto-
8 injectors, albuterol metered-dose inhalers, albuterol solution, spacers or
9 nebulizers from a manufacturer or wholesaler.

10 Sec. 4. K.S.A. 65-1680, 65-2872b and 72-6283 are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its
12 publication in the statute book.