

2022 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVES HILFERTY, FREIBERG, AND LANDRY

1 AN ACT

2 To amend and reenact R.S. 17:436.1(K)(1) and to enact R.S. 17:407.50.2, relative to
3 licensed early learning centers and public elementary and secondary schools; to
4 provide with respect to anaphylaxis training; to provide with respect to the
5 administration of medication; to authorize the maintenance of a supply of auto-
6 injectable epinephrine; to provide for definitions; to provide for effectiveness; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:436.1(K)(1) is hereby amended and reenacted and R.S.
10 17:407.50.2 is hereby enacted to read as follows:

11 §407.50.2. Administration of auto-injectable epinephrine; definition; conditions;
12 exceptions

13 A. Notwithstanding any provision of law to the contrary, the head of each
14 early learning center shall adopt a policy authorizing a trained early learning center
15 employee to administer auto-injectable epinephrine, as defined in Paragraph (B)(3)
16 of this Section, to a child who the trained early learning center employee, in good
17 faith, professionally believes is having an anaphylactic reaction, whether or not such
18 child has a prescription for epinephrine. At least one employee at each early learning
19 center shall receive training from a registered nurse, a licensed medical physician,
20 a child care health consultant, anaphylaxis training organization, or any other entity
21 approved by the Louisiana Department of Health in the administration of auto-
22 injectable epinephrine. Such training may be considered continuing education and
23 be applied to the early learning center's annual continuing education requirements.

1 The trained employee may administer the auto-injectable epinephrine to respond to
2 a child's anaphylactic reaction under a standing protocol from a physician licensed
3 to practice medicine in the state.

4 B.(1) Each early learning center may maintain a supply of auto-injectable
5 epinephrine at the center in a secure and easily accessible location. A healthcare
6 professional authorized to prescribe medications may prescribe epinephrine auto-
7 injectors in the name of the early learning center to be maintained for use when
8 deemed necessary pursuant to the provisions of this Section.

9 (2) Each early learning center shall distribute the policy required by this
10 Section to all parents or other legal guardians.

11 (3)(a) For the purposes of this Section, "auto-injectable epinephrine" means
12 a medical device for the immediate self-administration or assisted-administration of
13 epinephrine by or to a person at risk for anaphylaxis.

14 (b) For the purposes of this Section, an anaphylaxis training organization is
15 a nationally recognized organization that provides anaphylaxis education or a
16 training program whose leadership includes a physician authorized to practice
17 medicine and surgery or osteopathic medicine and surgery and who is board-certified
18 in allergy and immunology as that designation is issued by a medical specialty
19 certifying board recognized by the American Board of Medical Specialties or
20 American Osteopathic Association.

21 C. The following are not liable for damages in a civil action for injury, death,
22 or loss to person or property that allegedly arises from an act or omission associated
23 with epinephrine training, unless the act or omission constitutes willful or wanton
24 misconduct:

25 (1) A licensed early learning center.

26 (2) An employee of a licensed early learning center.

27 (3) A licensed health professional authorized to prescribe drugs who
28 personally furnishes or prescribes epinephrine auto-injectors to or consults with an
29 early learning center.

30 (4) An anaphylaxis training organization and its personnel.

31 * * *

1 §436.1. Administration of medication; definition; conditions; restrictions;
2 exceptions

3 * * *

4 K.(1) Notwithstanding any provision of law or any rule, regulation, or policy
5 to the contrary, the governing authority of each public elementary and secondary
6 school shall adopt a policy authorizing a school nurse or trained school employee to
7 administer auto-injectable epinephrine, as defined in Subparagraph (J)(4)(a) of this
8 Section, to a student who the school nurse or trained school employee, in good faith,
9 professionally believes is having an anaphylactic reaction, whether or not such
10 student has a prescription for epinephrine. At least one employee at each school
11 shall receive training from an anaphylaxis training organization, a registered nurse,
12 or a licensed medical physician in the administration of auto-injectable epinephrine.
13 The school nurse or trained employee may administer the auto-injectable epinephrine
14 to respond to a student's anaphylactic reaction, under a standing protocol from a
15 physician licensed to practice medicine in the state. For the purposes of this
16 Paragraph, an anaphylaxis training organization means a nationally recognized
17 organization that provides anaphylaxis education or a training program whose
18 leadership includes a physician authorized to practice medicine and surgery or
19 osteopathic medicine and surgery and who is board-certified in allergy and
20 immunology as that designation is issued by a medical specialty certifying board
21 recognized by the American Board of Medical Specialties or American Osteopathic
 Association.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____