

Regular Session, 2012

HOUSE BILL NO. 540

BY REPRESENTATIVE ARNOLD

SCHOOLS: Requires public school governing authorities to provide for availability of and training with respect to the administration of certain medications to students

1 AN ACT

2 To amend and reenact R.S. 17:436.1(J)(4)(introductory paragraph) and (a) and to enact R.S.  
3 17:436.1(K), relative to the administration of certain medication to public school  
4 students; to require the governing authority of each public elementary and secondary  
5 school to provide for availability of and training relative to the administration of  
6 certain medications to students; to provide for definitions; to provide for limitation  
7 of liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:436.1(J)(4)(introductory paragraph) and (a) are hereby amended  
10 and reenacted and R.S. 17:436.1(K) is hereby enacted to read as follows:

11 §436.1. Administration of medication; definition; conditions; restrictions

12 \* \* \*

13 J.

14 \* \* \*

15 (4) For the purposes of this ~~Subsection:~~ Section:

16 (a) "Auto-injectable epinephrine" means a medical device for the immediate  
17 ~~self-administration~~ administration of epinephrine by or to a person at risk for  
18 anaphylaxis.

19 \* \* \*

1           K. (1) Notwithstanding any provision of law or any rule, regulation, or  
2           policy to the contrary, the governing authority of each public elementary and  
3           secondary school shall adopt policies which provide for the following:

4           (a) Auto-injectable epinephrine shall be available for cases of emergency  
5           treatment at each school and shall be in a locked, secure location in a supply that is  
6           based on the number of students enrolled in the school.

7           (b) At least one employee at each school shall receive training from a  
8           registered nurse or a licensed physician relative to the administration of auto-  
9           injectable epinephrine. The school nurse or such trained employee may utilize the  
10          auto-injectable epinephrine to respond to a student's anaphylactic reaction, under a  
11          standing protocol from a physician licensed to practice medicine in the state.

12          (2) An authorized prescriber may prescribe auto-injectable epinephrine in the  
13          name of a public school governing authority to be maintained for use when  
14          necessary.

15          (3) Except in the case of willful or wanton misconduct or conscious disregard  
16          for safety, the following persons shall be immune from liability for any act or  
17          omission related to the administration of auto-injectable epinephrine:

18          (a) A school employee trained pursuant to the provisions of this Subsection  
19          or a school nurse who in good faith administers, or chooses not to administer, auto-  
20          injectable epinephrine to a student.

21          (b) An authorized prescriber who has prescribed auto-injectable epinephrine  
22          pursuant to the provisions of this Subsection.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Arnold

HB No. 540

**Abstract:** Requires public school governing authorities to provide for availability of and trained personnel with respect to the administration of auto-injectable epinephrine to students.

Present law provides relative to the administration of medication to public school students and the self-administration of certain medication by certain students, including "auto-injectable epinephrine", defined as a medical device for the immediate self-administration of epinephrine by a person at risk for anaphylaxis.

Proposed law changes the definition of "auto-injectable epinephrine" to mean a medical device for the immediate administration of epinephrine by or to a person at risk for anaphylaxis. Also requires each public school governing authority to adopt policies which provide for the following:

- (1) Auto-injectable epinephrine shall be available for cases of emergency treatment at each school and shall be in a locked, secure location in a supply that is based on the number of students enrolled in the school.
- (2) At least one employee at each school shall receive training from a registered nurse or a licensed physician relative to the administration of auto-injectable epinephrine. The school nurse or such trained employee may utilize the auto-injectable epinephrine to respond to a student's anaphylactic reaction, under a standing protocol from a physician licensed to practice medicine in the state.

Provides that an authorized prescriber may prescribe auto-injectable epinephrine in the name of the public school governing authority to be maintained for use when necessary and provides that except in the case of willful or wanton misconduct or conscious disregard for safety, the following persons shall be immune from liability for any act or omission related to the administration of auto-injectable epinephrine:

- (1) A school nurse or school employee trained pursuant to proposed law who in good faith administers, or chooses not to administer, auto-injectable epinephrine to a student.
- (2) An authorized prescriber who has prescribed auto-injectable epinephrine pursuant to proposed law.

(Amends R.S. 17:436.1(J)(4)(intro. para.) and (a); Adds R.S. 17:436.1(K))