

**SB0815/344136/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 815

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Nonpublic Schools” and substitute “Primary and Secondary Education”; in the same line, strike “and Immunity”; in line 5, strike “a certain policy” and substitute “certain policies”; strike beginning with “providing” in line 6 down through “liability” in line 7 and substitute “providing that certain nurses and certain school personnel may not be held personally liable for certain acts or omissions”; in line 9, strike “nonpublic”; in the same line, after “schools” insert “of primary and secondary education”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 7-426.2

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“7-426.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Anaphylaxis” means a sudden, severe, and potentially life-threatening allergic reaction that occurs when an individual is exposed to an allergen.

(Over)

(3) “Auto-injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(b) Each county board shall establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer auto-injectable epinephrine, if available, to a student who is determined to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7-426.1 of this subtitle; or

(2) Has a prescription for epinephrine as prescribed by an authorized licensed health care practitioner under the Health Occupations Article.

(c) The policy established under subsection (b) of this section shall include:

(1) Training for school personnel on how to recognize the SIGNS AND symptoms of anaphylaxis BY A LICENSED HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE AND WHO HAS BEEN TRAINED IN AN ESTABLISHED PROTOCOL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS;

(2) Procedures for the emergency administration of auto-injectable epinephrine;

(3) The proper follow-up emergency procedures; [and]

(4) A provision authorizing a school nurse to obtain and, SCHOOL PERSONNEL TO store, at a public school auto-injectable epinephrine to be used in an emergency situation; AND

**(5) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.**

**[(d)] (E) (1) Each public school shall submit, on the form that the Department requires, a report to the Department on each incident at the school or at a related school event that required the use of auto-injectable epinephrine.**

**(2) The Department shall develop and disseminate a standard form to report each incident requiring the use of auto-injectable epinephrine at a public school.”.**

**AMENDMENT NO. 3**

On page 2, in line 8, after “YEAR,” insert “**A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING NURSE,**”; in line 20, after “PERSONNEL” insert “**ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS**”; strike beginning with “MEDICAL” in line 20 down through “PROFESSIONAL” in line 21 and substitute “**HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE AND WHO HAS BEEN TRAINED IN AN ESTABLISHED PROTOCOL**”; in line 21, strike “OR MEDICAL TECHNICIAN”; in the same line, after “THE” insert “**SIGNS AND**”; in line 25, strike “AND”; in line 26, strike “SCHOOL PERSONNEL” and substitute “**A SCHOOL NURSE OR OTHER LICENSED HEALTH CARE PRACTITIONER**”; in line 27, after “AND” insert “**, SCHOOL**”

(Over)

PERSONNEL TO"; in the same line, after "STORE" insert a comma; in the same line, strike "PUBLIC" and substitute "NONPUBLIC"; in line 28, after "SITUATION" insert ";  
AND

**(5) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**";

strike lines 29 through 33 in their entirety; and after line 33, insert:

**"(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION."**