

SENATE BILL 815

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3lr2927
CF 3lr1977

By: **Senator Shank**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Nonpublic Schools – Epinephrine Availability and Use – Policy and Immunity**

3 FOR the purpose of authorizing nonpublic schools in the State to establish a policy to
4 authorize certain school personnel to administer auto-injectable epinephrine to
5 certain students under certain circumstances; requiring a certain policy to
6 include certain information; providing that a nonpublic school and certain
7 school personnel have certain immunity from civil liability except in certain
8 circumstances; defining certain terms; and generally relating to an epinephrine
9 availability and use policy in nonpublic schools in the State.

10 BY adding to

11 Article – Education

12 Section 7–426.3

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2012 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 **7–426.3.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND**
22 **POTENTIALLY LIFE–THREATENING ALLERGIC REACTION THAT OCCURS WHEN**
23 **AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE,**
2 **DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE**
3 **DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN**
4 **EMERGENCY SITUATION.**

5 **(4) “SCHOOL PERSONNEL” MEANS INDIVIDUALS WHO ARE**
6 **EMPLOYED BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES,**
7 **TEACHERS AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT**
8 **LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE STAFF.**

9 **(B) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY**
10 **AUTHORIZING SCHOOL PERSONNEL TO ADMINISTER AUTO-INJECTABLE**
11 **EPINEPHRINE, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO BE OR**
12 **PERCEIVED TO BE IN ANAPHYLAXIS, REGARDLESS OF WHETHER THE STUDENT:**

13 **(1) HAS BEEN IDENTIFIED AS HAVING AN ANAPHYLACTIC**
14 **ALLERGY, AS DEFINED IN § 7-426.1 OF THIS SUBTITLE; OR**

15 **(2) HAS A PRESCRIPTION FOR EPINEPHRINE AS PRESCRIBED BY**
16 **AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH**
17 **OCCUPATIONS ARTICLE.**

18 **(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS**
19 **SECTION SHALL INCLUDE:**

20 **(1) TRAINING FOR SCHOOL PERSONNEL BY A LICENSED MEDICAL**
21 **PROFESSIONAL OR MEDICAL TECHNICIAN ON HOW TO RECOGNIZE THE**
22 **SYMPTOMS OF ANAPHYLAXIS;**

23 **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF**
24 **AUTO-INJECTABLE EPINEPHRINE;**

25 **(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES; AND**

26 **(4) A PROVISION AUTHORIZING SCHOOL PERSONNEL TO OBTAIN**
27 **AND STORE AT A PUBLIC SCHOOL AUTO-INJECTABLE EPINEPHRINE TO BE USED**
28 **IN AN EMERGENCY SITUATION.**

29 **(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A**
30 **NONPUBLIC SCHOOL AND SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH**
31 **TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THIS**
32 **SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE**
33 **COURSE OF RESPONDING TO THE REACTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2013.