

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

544V0340

HOUSE BILL NO. 1167

Introduced by: Representatives Sly, Ecklund, Hawks, Magstadt, Munsterman, Olson (Betty),
and Tyler and Senators Hunhoff (Jean), Bradford, Jensen, Rampelberg, and
Soholt

1 FOR AN ACT ENTITLED, An Act to allow schools to maintain a stock and to administer
2 epinephrine auto-injectors in certain cases.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any school may acquire and maintain a stock of epinephrine auto-injectors
5 pursuant to a prescription issued by an authorized health care provider for use in an emergency
6 situation of a severe allergic reaction causing anaphylaxis. The provisions of this section are not
7 subject to the prescription requirements in subdivision 36-11-2(21).

8 Section 2. Each school shall adopt a policy for the use and storage of epinephrine auto-
9 injectors and shall notify the parents or guardians of each student about the policy.

10 Section 3. Any school nurse or other designated school personnel, upon authorization by the
11 governing school body, may:

12 (1) Administer an epinephrine auto-injector to a student in accordance with a
13 prescription specific to the student on file with the school;

14 (2) Administer an epinephrine auto-injector to any student during school hours if the



1 school nurse or designated school personnel believe that the student is experiencing
2 anaphylaxis in accordance with a standing protocol from an authorized health care
3 provider, regardless of whether a student has a prescription for an epinephrine auto-
4 injector or has been diagnosed with an allergy.

5 Section 4. Prior to administering an epinephrine auto-injector made available by the school,
6 each designated school personnel shall be trained by a licensed health care professional:

- 7 (1) To recognize the symptoms of a severe allergy or anaphylactic reaction;
- 8 (2) To know the procedure for the administration of an epinephrine auto-injector;
- 9 (3) To know the procedure for storage of an epinephrine auto-injector; and
- 10 (4) To know the emergency care and aftercare for a student who has an allergic or
11 anaphylactic reaction.

12 Section 5. No school district, administrator, school board, school nurse, or designated school
13 personnel that possess or make available epinephrine auto-injectors pursuant to this Act;
14 authorized health care provider that prescribes epinephrine auto-injectors to a school; or a health
15 care professional that provides training pursuant to section 4 of this Act may be held liable for
16 any injury or related damage that results from the administration of, self-administration of, or
17 failure to administer an epinephrine auto-injector that may constitute ordinary negligence. This
18 immunity does not apply to an act or omission constituting gross, willful, or wanton negligence.
19 The administration of an epinephrine auto-injector in accordance with the provisions of this Act
20 does not constitute the practice of medicine. The immunity from liability provided under this
21 section is in addition to, not in lieu of, that provided in any other law.