

1 H.409

2 Introduced by Representatives McCarthy of St. Albans City, Bissonnette of  
3 Winooski, Botzow of Pownal, Campion of Bennington, Cole of  
4 Burlington, Connor of Fairfield, Consejo of Sheldon, Gallivan  
5 of Chittenden, Masland of Thetford, Potter of Clarendon,  
6 Rachelson of Burlington, Stevens of Waterbury, Till of Jericho,  
7 Toleno of Brattleboro, Townsend of Randolph, Weed of  
8 Enosburgh, Wright of Burlington, and Zagar of Barnard

9 Referred to Committee on

10 Date:

11 Subject: Education; health; epinephrine auto-injectors

12 Statement of purpose of bill as introduced: This bill proposes to authorize  
13 schools to maintain a stock supply of epinephrine auto-injectors and designate  
14 school personnel who may, in an emergency, administer epinephrine at school  
15 to any student or other individual.

16 An act relating to stock supply and emergency administration of  
17 epinephrine auto-injectors in schools

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 16 V.S.A. § 1388 is added to read:

2 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF  
3 EPINEPHRINE AUTO-INJECTORS

4 (a) As used in this section:

5 (1) “Designated personnel” means a school employee, agent, or  
6 volunteer who has been authorized by the school administrator to provide and  
7 administer epinephrine auto-injectors under this section and who has  
8 completed the training required by the State Board by rule.

9 (2) “Epinephrine auto-injector” means a single-use device that delivers a  
10 premeasured dose of epinephrine.

11 (3) “Health care professional” means a physician licensed pursuant to  
12 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to  
13 prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a  
14 physician assistant licensed to prescribe drugs and medical devices pursuant to  
15 26 V.S.A. chapter 31.

16 (4) “School” means a public or approved independent school and  
17 extends to school grounds, school-sponsored activities, school-provided  
18 transportation, and school-related programs.

19 (5) “School administrator” means a school’s principal or headmaster.

20 (b)(1) A health care professional may prescribe an epinephrine  
21 auto-injector in a school’s name, which may be maintained by the school for

1 use as described in subsection (d) of this section. The health care professional  
2 shall issue to the school a standing order for the use of an epinephrine  
3 auto-injector prescribed under this section, including protocols for:

4 (A) assessing whether an individual is experiencing a potentially  
5 life-threatening allergic reaction;

6 (B) administering an epinephrine auto-injector to an individual  
7 experiencing a potentially life-threatening allergic reaction;

8 (C) caring for an individual after administering an epinephrine  
9 auto-injector to him or her, including contacting emergency services personnel  
10 and documenting the incident; and

11 (D) disposing of used or expired epinephrine auto-injectors.

12 (2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health  
13 care professional may dispense epinephrine auto-injectors prescribed to a  
14 school.

15 (c) A school may maintain a stock supply of epinephrine auto-injectors. A  
16 school may enter into arrangements with epinephrine auto-injector  
17 manufacturers or suppliers to acquire epinephrine auto-injectors for free or at  
18 reduced or fair market prices.

19 (d) The school administrator may authorize a school nurse or designated  
20 personnel or both to:

1           (1) provide an epinephrine auto-injector to a student for  
2           self-administration according to a plan of action for managing the student's  
3           life-threatening allergy maintained in the student's school health records  
4           pursuant to section 1387 of this title;

5           (2) administer a prescribed epinephrine auto-injector to a student  
6           according to a plan of action maintained in the student's school health  
7           records; and

8           (3) administer an epinephrine auto-injector, in accordance with the  
9           protocol issued under subsection (b) of this section, to a student or other  
10          individual at a school if the nurse or designated personnel believe in good faith  
11          that the student or individual is experiencing anaphylaxis, regardless of  
12          whether the student or individual has a prescription for an epinephrine  
13          auto-injector.

14          (e) A school; a school employee, agent, or volunteer; and a health care  
15          professional prescribing an epinephrine auto-injector to a school shall not be  
16          liable for any injury arising from the administration or self-administration of an  
17          epinephrine auto-injector under this section unless the person's conduct  
18          constituted recklessness or intentional misconduct. Providing or administering  
19          an epinephrine auto-injector under this section does not constitute the practice  
20          of medicine. Immunity from liability under this subsection does not limit

1 immunity from liability for provision of emergency medical care under  
2 12 V.S.A. § 519.

3 (f) On or before January 1, 2014, the State Board, in consultation with the  
4 Department of Health, shall adopt rules pursuant to 3 V.S.A. chapter 25 for  
5 managing students with life-threatening allergies and other individuals with  
6 life-threatening allergies who may be present at a school. The rules shall:

7 (1) establish protocols to prevent exposure to allergens in schools;

8 (2) establish procedures for responding to life-threatening allergic  
9 reactions in schools, including post-emergency procedures;

10 (3) implement a process for schools and the parents or guardians of  
11 students with a life-threatening allergy to jointly develop a written  
12 individualized allergy management plan of action that:

13 (A) incorporates instructions from a student's physician regarding the  
14 student's life-threatening allergy and prescribed treatment;

15 (B) includes the requirements of section 1387 of this title, if a student  
16 is authorized to possess and self-administer emergency medication at school;

17 (C) becomes part of the student's health records maintained by the  
18 school; and

19 (D) is updated each school year;

20 (4) require education and training for school nurses and designated  
21 personnel, including training related to storing and administering an

1 epinephrine auto-injector and recognizing and responding to a life-threatening  
2 allergic reaction;

3 (5) require each school to make publicly available protocols and  
4 procedures developed in accordance with the rules adopted by the State Board  
5 under this section; and

6 (6) require each school to submit to the Agency a standardized report of  
7 each incident at the school involving a life-threatening allergic reaction or  
8 administration or self-administration of an epinephrine auto-injector.

9 (g) Annually on or before January 15, the Secretary shall submit a report to  
10 the House and Senate Committees on Education that summarizes and analyzes  
11 the incident reports submitted by schools in accordance with the rules adopted  
12 by the State Board and that makes recommendations to improve schools'  
13 responses to life-threatening allergic reactions.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2013, except that the reporting  
16 requirement under Sec. 1, 16 V.S.A. § 1388(g), shall take effect on  
17 July 1, 2014.