

No. 53. An act relating to intranasal epinephrine in schools.

(H.209)

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

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

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

(a) As used in this section:

(1) “Designated personnel” means a school employee, agent, or volunteer who has completed training required by State Board policy and who has been authorized by the school administrator or delegated by the school nurse to provide and administer epinephrine auto-injectors under in accordance with a provider’s standing order or protocol pursuant to this section and who has completed the training required by State Board policy.

(2) “Epinephrine ~~auto-injector~~” means a U.S. Food and Drug Administration-approved single-use device that delivers a epinephrine delivery system containing a premeasured single dose of epinephrine.

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

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

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

(6) “School nurse” means a school nurse or associate school nurse endorsed by the Agency of Education pursuant to the Licensing of Educators and the Preparation of Educational Professionals rule (CVR 22-000-010) or registered nurses certified through the Office of Professional Regulation and contracted to perform the duties of a school nurse.

(b)(1) A health care professional may prescribe ~~an~~ epinephrine ~~auto-injector~~ in a school’s name, which may be maintained by the school for use as described in subsection (d) of this section. The health care professional shall issue to the school a standing order for the use of ~~an~~ epinephrine ~~auto-injector~~ prescribed under this section, including protocols for:

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

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

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

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

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

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

(d) The school administrator may authorize a school nurse or appropriately trained designated personnel, ~~or both~~, to:

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

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

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

(e) Designated personnel, a school, a school nurse, and a health care professional prescribing ~~an epinephrine auto-injector~~ to a school shall be immune from any civil or criminal liability arising from the administration or self-administration of ~~an epinephrine auto-injector~~ under this section, unless the person's conduct constituted intentional misconduct. Providing or administering ~~an epinephrine auto-injector~~ under this section does not constitute the practice of medicine.

(f) ~~On or before January 1, 2014, the~~ The State Board, in consultation with the Department of Health, shall adopt policies for managing students with life-threatening allergies and other individuals with life-threatening allergies who may be present at a school. The policies shall:

- (1) establish protocols to prevent exposure to allergens in schools;
- (2) establish procedures for responding to life-threatening allergic reactions in schools, including postemergency procedures;
- (3) implement a process for schools and the parents or guardians of students with a life-threatening allergy to jointly develop a written individualized allergy management plan of action that:

(A) incorporates instructions from a student's ~~physician~~ health care professional regarding the student's life-threatening allergy and prescribed treatment;

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

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

(D) is updated each school year;

(4) require education and training for school nurses and designated personnel, including training related to storing and administering an epinephrine auto-injector and recognizing and responding to a life-threatening allergic reaction; and

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Date Governor signed bill: June 11, 2025