

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.209

Introduced by Representative Goldman of Rockingham

Referred to Committee on

Date:

Subject: Health; education; intranasal epinephrine; prescribing and dispensing  
authority; schools

Statement of purpose of bill as introduced: This bill proposes to allow a health care professional to prescribe and issue standing orders for the use of intranasal epinephrine in schools. It proposes to allow a school to maintain a stock supply of intranasal epinephrine. The bill further proposes to allow a school administrator to authorize school nurses or other designated personnel to administer or have a student self-administer intranasal epinephrine in accordance with a student’s plan of action for managing the student’s life-threatening allergy.

An act relating to intranasal epinephrine in schools

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           (1) “Designated personnel” means a school employee, agent, or  
2 volunteer who has been authorized by the school administrator to provide and  
3 administer epinephrine auto-injectors and intranasal epinephrine under this  
4 section and who has completed the training required by State Board policy.

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

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

12           (4) “Intranasal epinephrine” means a nasal spray delivering a dose a  
13 epinephrine.

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

17           ~~(5)~~(6) “School administrator” means a school’s principal or headmaster.

18           (b)(1) A health care professional may prescribe an epinephrine auto-  
19 injector or intranasal epinephrine, or both, in a school’s name, which may be  
20 maintained by the school for use as described in subsection (d) of this section.  
21 The health care professional shall issue to the school a standing order for the

1 use of ~~an~~ epinephrine auto-injector prescribed under this section, including  
2 protocols for:

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

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

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

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

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

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

1 (d) The school administrator may authorize a school nurse or designated  
2 personnel, or both, to:

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

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

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

16 (e) Designated personnel, a school, and a health care professional  
17 prescribing an epinephrine auto-injector or intranasal epinephrine, or both, to a  
18 school shall be immune from any civil or criminal liability arising from the  
19 administration or self-administration of an epinephrine auto-injector or  
20 intranasal epinephrine under this section, unless the person's conduct  
21 constituted intentional misconduct. Providing or administering an epinephrine

1 auto-injector or intranasal epinephrine under this section does not constitute  
2 the practice of medicine.

3 (f) ~~On or before January 1, 2014, the~~ The State Board, in consultation with  
4 the Department of Health, shall adopt policies for managing students with life-  
5 threatening allergies and other individuals with life-threatening allergies who  
6 may be present at a school. The policies 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 postemergency 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 or intranasal epinephrine and recognizing and  
2 responding to a life-threatening allergic reaction; and

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

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on July 1, 2025.