

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~~

1 ~~(a) As used in this section:~~

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

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

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

13 (4) "Intranasal epinephrine" means a nasal spray delivering a dose a
14 epinephrine.

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

18 ~~(5)(6)~~ (6) "School administrator" means a school's principal or headmaster.

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

1 ~~The health care professional shall issue to the school a standing order for the~~
2 use of an epinephrine auto-injector prescribed under this section, including
3 protocols for:
4 (A) assessing whether an individual is experiencing a potentially life-
5 threatening allergic reaction;
6 (B) administering an epinephrine auto-injector and intranasal
7 epinephrine to an individual experiencing a potentially life-threatening allergic
8 reaction;
9 (C) caring for an individual after administering an epinephrine auto-
10 injector ~~to him or her~~ or intranasal epinephrine, including contacting
11 emergency services personnel and documenting the incident; and
12 (D) disposing of used or expired epinephrine auto-injectors and
13 intranasal epinephrine.
14 (2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health
15 care professional may dispense prescribed epinephrine auto-injectors
16 ~~prescribed~~ or intranasal epinephrine, or both, to a school.
17 (c) A school may maintain a stock supply of epinephrine auto-injectors or
18 intranasal epinephrine, or both. A school may enter into arrangements with
19 ~~epinephrine auto-injector~~ manufacturers or suppliers of epinephrine auto-
20 injectors or intranasal epinephrine, or both, to acquire ~~epinephrine auto-~~
21 ~~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
14 the 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 (3) 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.~~

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, or practical nurse licensed pursuant to 26 V.S.A. chapter 28 who
has been authorized by the school administrator or nurse to provide and
administer epinephrine auto-injectors and intranasal epinephrine under this
section and who has completed the training required by State Board policy.*

*(2) "Epinephrine auto-injector" means a single-use device that delivers
a premeasured 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) “Intranasal epinephrine” means a nasal spray delivering a dose of epinephrine.~~

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

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

~~(7) “School nurse” means a 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).~~

~~(b)(1) A health care professional may prescribe an epinephrine auto-injector or intranasal epinephrine, or both, 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, in consultation with the school nurse, 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 whether an individual is experiencing a potentially life-threatening allergic reaction,~~

~~(B) administering an epinephrine auto-injector and intranasal epinephrine 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 or intranasal epinephrine, including contacting emergency services personnel and documenting the incident; and~~

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

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

~~(c) A school may maintain a stock supply of epinephrine auto-injectors or intranasal epinephrine, or both. A school may enter into arrangements with epinephrine auto-injector manufacturers or suppliers of epinephrine auto-injectors or intranasal epinephrine, or both, 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, who in turn may authorize designated personnel, or both, to:~~

~~(1) provide an epinephrine auto-injector or intranasal epinephrine 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 or intranasal epinephrine to a student according to a plan of action maintained in the student's school health records; and~~

~~(3) administer an epinephrine auto-injector or intranasal epinephrine, in accordance with the protocol issued under subsection (b) of this section, to a student or other individual at a school if the 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 or intranasal epinephrine.~~

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

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

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