

1 H.209

2 An act relating to intranasal epinephrine in schools

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

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

5 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
6 EPINEPHRINE ~~AUTO-INJECTORS~~

7 (a) As used in this section:

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

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

17 (3) “Health care professional” means a physician licensed pursuant to 26
18 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to
19 prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a
20 physician assistant licensed to prescribe drugs and medical devices pursuant to
21 26 V.S.A. chapter 31.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of whether the student or individual has a prescription for ~~an~~ epinephrine ~~auto-~~
2 ~~injector~~.

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

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

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

15 (2) establish procedures for responding to life-threatening allergic
16 reactions in schools, including postemergency procedures;

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

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

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

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

8 (D) is updated each school year;

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

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

16 Sec. 2. EFFECTIVE DATE

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