

H.209

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) “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~~ 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.

1 (5) “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)~~(6) “School administrator” means a school’s principal or headmaster.

5 (7) “School nurse” means a school nurse endorsed by the Agency of
6 Education pursuant to the Licensing of Educators and the Preparation of
7 Educational Professionals rule (CVR 22-000-010).

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

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

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

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

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

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

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

11 (d) The school administrator may authorize a school nurse ~~or,~~ who in turn
12 may authorize designated personnel, ~~or both,~~ to:

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

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

20 (3) administer an epinephrine auto-injector or intranasal epinephrine, in
21 accordance with the protocol issued under subsection (b) of this section, to a

1 student or other individual at a school if the nurse or designated personnel
2 believe in good faith that the student or individual is experiencing anaphylaxis,
3 regardless of whether the student or individual has a prescription for an
4 epinephrine auto-injector or intranasal epinephrine.

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

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

- 17 (1) establish protocols to prevent exposure to allergens in schools;
18 (2) establish procedures for responding to life-threatening allergic
19 reactions in schools, including postemergency procedures;

1 (3) implement a process for ~~schools~~ school nurses and the parents or
2 guardians of students with a life-threatening allergy to jointly develop a written
3 individualized allergy management plan of action that:

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

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

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

11 (D) is updated each school year;

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

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

19 Sec. 2. EFFECTIVE DATE

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