

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 209
3 entitled “An act relating to intranasal epinephrine in schools” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 § 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
9 EPINEPHRINE ~~AUTO-INJECTORS~~

10 (a) As used in this section:

11 (1) “Designated personnel” means a school employee, agent, or
12 volunteer, or practical nurse licensed pursuant to 26 V.S.A. chapter 28 who has
13 been authorized by the school administrator nurse to provide and administer
14 epinephrine auto-injectors and intranasal epinephrine under this section and
15 who has completed the training required by State Board policy.

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

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

1 physician assistant licensed to prescribe drugs and medical devices pursuant to
2 26 V.S.A. chapter 31.

3 (4) “Intranasal epinephrine” means a nasal spray delivering a dose of
4 epinephrine.

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

8 ~~(5)~~(6) “School administrator” means a school’s principal or headmaster.

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

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

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

1 (B) administering an epinephrine auto-injector and intranasal
2 epinephrine to an individual experiencing a potentially life-threatening allergic
3 reaction;

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

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

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

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

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

19 (1) provide an epinephrine auto-injector or intranasal epinephrine to a
20 student for self-administration according to a plan of action for managing the

1 student's life-threatening allergy maintained in the student's school health
2 records pursuant to section 1387 of this title;

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

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

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

20 (f) ~~On or before January 1, 2014, the~~ The State Board, in consultation with
21 the Department of Health, shall adopt policies for managing students with life-

1 threatening allergies and other individuals with life-threatening allergies who
2 may be present at a school. The policies shall:

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

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

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

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

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

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

16 (D) is updated each school year;

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

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

4 Sec. 2. EFFECTIVE DATE

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

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13 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE