

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 completed training required by State Board policy and who has been authorized by the school administrator or delegated to by the school nurse to provide and administer epinephrine auto-injectors and intranasal epinephrine in accordance with a provider’s standing order or protocol under this section. ~~and who has completed the training required by State Board policy.~~

(2) “Epinephrine ~~auto-injector~~” means a single-use epinephrine delivery system containing a premeasured single dose of epinephrine approved by the federal Food and Drug Administration. ~~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)~~ (4) “School” means a public or approved independent school and extends to school grounds, school-sponsored activities, school-provided transportation, and school-related programs.

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

~~(7)~~ (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).

(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~~ recognizing 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,~~ prescribed 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~~ appropriately trained 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 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 or intranasal epinephrine.~~

(e) Designated personnel, a school, school nurse, 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