

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2067 Session of 2011

INTRODUCED BY M. SMITH, BISHOP, BOBACK, BRIGGS, V. BROWN,  
CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA,  
FABRIZIO, GEIST, GEORGE, GIBBONS, GILLEN, HALUSKA, HORNAMAN,  
JOSEPHS, KORTZ, MAHONEY, MILLARD, MURT, QUINN, READSHAW,  
STABACK, STEVENSON, TALLMAN, THOMAS, VULAKOVICH, WHITE AND  
YOUNGBLOOD, DECEMBER 7, 2011

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 7, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school health services, providing  
6 for school access to emergency epinephrine.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1414.2. School Access to Emergency Epinephrine.--(a)

13 A school entity or nonpublic school may authorize a trained  
14 school employe to:

15 (1) provide an epinephrine auto-injector that meets the  
16 prescription on file to a student who is authorized to self-  
17 administer an epinephrine auto-injector;

18 (2) administer an epinephrine auto-injector that meets the

prescription on file to a student who is authorized to self-administer an epinephrine auto-injector; and

(3) administer an epinephrine auto-injector to a student that the employe in good faith believes to be having an anaphylactic reaction.

(b) Notwithstanding section 11 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," a physician may prescribe epinephrine auto-injectors in the name of the school entity or nonpublic school to be maintained for use when necessary.

(c) A school entity or nonpublic school may maintain at a school in a locked, secure location a supply of epinephrine auto-injectors.

(d) A school entity or nonpublic school that authorizes the provision of epinephrine auto-injectors under this section shall designate one or more individuals at each school who shall be responsible for the storage and use of the epinephrine auto-injectors.

(e) Individuals who are responsible for the storage and use of epinephrine auto-injectors must successfully complete a training program developed and implemented by the Department of Health.

(f) (1) An epinephrine auto-injector from the school entity's or nonpublic school's supply of epinephrine auto-injectors that meets the prescription on file may be provided to and utilized by a student authorized to self-administer or by a trained school employe authorized to administer an epinephrine auto-injector to the student.

(2) When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on

file, a trained school employe may utilize the school entity's  
or nonpublic school's supply of epinephrine auto-injectors to  
respond to anaphylactic reaction under a standing protocol from  
a physician and as provided in this section.

(g) (1) A school entity or nonpublic school must inform the  
parent or guardian of a student, in writing, that the school  
entity or nonpublic school and its employes and agents,  
including a physician providing standing protocol or  
prescription for school epinephrine auto-injectors, are to incur  
no liability, except for wilful and wanton misconduct, as a  
result of any injury arising from the self-administration or use  
of an epinephrine auto-injector under this section, regardless  
of whether authorization was given by the student's parent or  
guardian or by the student's physician, physician's assistant or  
certified registered nurse practitioner. The parent or guardian  
of the student must sign a statement acknowledging that the  
school entity or nonpublic school and its employes and agents  
are to incur no liability, except for wilful and wanton  
misconduct, as a result of any injury arising from the self-  
administration or use of an epinephrine auto-injector under this  
section, regardless of whether authorization was given by the  
student's parent or guardian or by the student's physician,  
physician's assistant or certified registered nurse  
practitioner, and that the parents or guardians must indemnify  
and hold harmless the school entity or nonpublic school and its  
employes and agents against any claims, except a claim based on  
wilful and wanton misconduct, arising out of the self-  
administration or use of an epinephrine auto-injector under this  
section, regardless of whether authorization was given by the  
student's parent or guardian or by the student's physician,

physician's assistant or certified registered nurse  
practitioner.

(2) When a trained school employe administers an epinephrine  
auto-injector to a student whom the employe in good faith  
believes is having an anaphylactic reaction, notwithstanding the  
lack of notice to the parent or guardian of the student or the  
absence of the parent's or guardian's signed statement  
acknowledging no liability, except for wilful and wanton  
misconduct, the school entity or nonpublic school and its  
employees and agents, including a physician providing standing  
protocol or prescription for school epinephrine auto-injectors,  
are to incur no liability, except for wilful and wanton  
misconduct, as a result of any injury arising from the use of an  
epinephrine auto-injector, regardless of whether authorization  
was given by the student's parent or guardian or by the  
student's physician, physician's assistant or certified  
registered nurse practitioner.

(h) As used in this section, "school entity" means a school  
district, intermediate unit, charter school or area vocational-  
technical school.

Section 2. This act shall take effect in 60 days.