

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1210 Session of 2013

INTRODUCED BY FREEMAN, SIMMONS, SCHLOSSBERG, BROWNLEE,
CALTAGIRONE, COHEN, D. COSTA, DeLUCA, FRANKEL, GIBBONS,
GILLEN, GINGRICH, C. HARRIS, HESS, KINSEY, KORTZ, MAHONEY,
McGEEHAN, MILLARD, MURT, O'BRIEN, PARKER, READSHAW, ROEBUCK,
ROZZI, SANTARSIERO, THOMAS, WHITE AND YOUNGBLOOD,
APRIL 17, 2013

REFERRED TO COMMITTEE ON EDUCATION, APRIL 17, 2013

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 shall 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
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 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.