

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 803 Session of
2013

INTRODUCED BY STEVENSON, PICKETT, WHITE, COHEN, O'NEILL,
HARHART, HEFFLEY, TRUITT, KORTZ, YOUNGBLOOD, LONGIETTI,
D. COSTA, MAHONEY, CALTAGIRONE, MILLARD, SIMMONS, C. HARRIS,
MOUL, HARKINS, SWANGER, TALLMAN, GINGRICH, V. BROWN, CLYMER,
GRELL, THOMAS, WATSON, DEASY, MARSICO, GILLEN, ROEBUCK,
PEIFER, GIBBONS AND BRADFORD, FEBRUARY 25, 2013

SENATOR FOLMER, EDUCATION, IN SENATE, AS AMENDED, JUNE 3, 2014

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 Subject to subsection (g), a school entity or nonpublic school
14 may authorize a trained school employe to:

15 (1) provide an epinephrine auto-injector that meets the
16 prescription on file for either the individual student or the
17 school entity or nonpublic school to a student who is authorized

1 to self-administer an epinephrine auto-injector;

2 (2) administer to a student an epinephrine auto-injector
3 that meets the prescription on file for either the individual
4 student or the school entity or nonpublic school; and

5 (3) administer an epinephrine auto-injector that meets the
6 prescription on file for the school entity or nonpublic school
7 to a student that the employe in good faith believes to be
8 having an anaphylactic reaction.

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

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

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

22 (e) Individuals who are responsible for the storage and use
23 of epinephrine auto-injectors must successfully complete a
24 training program that shall be developed and implemented by the
25 Department of Health within ninety (90) days of the effective
26 date of this section.

27 (f) (1) An epinephrine auto-injector from the school
28 entity's or nonpublic school's supply of epinephrine auto-
29 injectors that meets the prescription on file for the school
30 entity or nonpublic school may be provided to and utilized by a

1 student authorized to self-administer or may be administered by
2 a trained school employe authorized to administer an epinephrine
3 auto-injector to a student pursuant to subsection (a).

4 (2) When a student does not have an epinephrine auto-
5 injector or a prescription for an epinephrine auto-injector on
6 file, a trained school employe may utilize the school entity's
7 or nonpublic school's supply of epinephrine auto-injectors to
8 respond to anaphylactic reaction under a standing protocol from
9 a physician and as provided in this section.

10 (f.1) In the event a student is believed to be having an
11 anaphylactic reaction, the school nurse or an individual in the
12 school who is responsible for the storage and use of epinephrine
13 auto-injectors shall contact 911 as soon as possible.

14 (g) At the request of a parent or legal guardian, a student
15 shall be exempt from subsections (a), (f) and (h). The principal
16 of the school in which the student is enrolled shall notify all
17 parents or legal guardians of their ability to exempt their
18 children from subsections (a), (f) and (h) by returning a signed
19 opt-out form.

20 (h) The provisions of 42 Pa.C.S. §§ 8332 (relating to
21 emergency response provider and bystander good Samaritan civil
22 immunity) and 8337.1 (relating to civil immunity of school
23 officers or employees relating to emergency care, first aid and
24 rescue) shall apply to a person who administers an epinephrine
25 auto-injector pursuant to this section.

26 (i) Administration of an epinephrine auto-injector under
27 this section shall comply with section 504 of the Rehabilitation
28 Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code
29 Ch. 15 (relating to protected handicapped students).

30 (j) As used in this section, "school entity" means a school

1 district, intermediate unit, charter school, cyber charter
2 school, regional charter school or area vocational-technical
3 school.

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