

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 AND GIBBONS, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 25, 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

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

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

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

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

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

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

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

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

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

5 (g) (1) A school entity or nonpublic school must inform the  
6 parent or guardian of a student, in writing, that the school  
7 entity or nonpublic school and its employes and agents,  
8 including a physician providing standing protocol or  
9 prescription for school epinephrine auto-injectors, are to incur  
10 no liability, except for wilful and wanton misconduct, as a  
11 result of any injury arising from the self-administration or use  
12 of an epinephrine auto-injector under this section, regardless  
13 of whether authorization was given by the student's parent or  
14 guardian or by the student's physician, physician's assistant or  
15 certified registered nurse practitioner. The parent or guardian  
16 of the student must sign a statement acknowledging that the  
17 school entity or nonpublic school and its employes and agents  
18 are to incur no liability, except for wilful and wanton  
19 misconduct, as a result of any injury arising from the self-  
20 administration or use of an epinephrine auto-injector under this  
21 section, regardless of whether authorization was given by the  
22 student's parent or guardian or by the student's physician,  
23 physician's assistant or certified registered nurse  
24 practitioner, and that the parents or guardians must indemnify  
25 and hold harmless the school entity or nonpublic school and its  
26 employes and agents against any claims, except a claim based on  
27 wilful and wanton misconduct, arising out of the self-  
28 administration or use of an epinephrine auto-injector under this  
29 section, regardless of whether authorization was given by the  
30 student's parent or guardian or by the student's physician,

1 physician's assistant or certified registered nurse  
2 practitioner.

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

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

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