
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 898 Session of
2013

INTRODUCED BY SMITH, WOZNIAK, TEPLITZ, VULAKOVICH, WASHINGTON,
FONTANA, RAFFERTY, SOLOBAY, COSTA, BROWNE, FARNESE,
TARTAGLIONE, FERLO AND BLAKE, MAY 31, 2013

REFERRED TO EDUCATION, MAY 31, 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
19 prescription on file to a student who is authorized to self-

1 administer an epinephrine auto-injector; and

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

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

10 (c) A school entity or nonpublic school shall maintain at a
11 school in a secure location a supply of epinephrine auto-
12 injectors.

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

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

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

28 (2) When a student does not have an epinephrine auto-
29 injector or a prescription for an epinephrine auto-injector on
30 file, a trained school employe may utilize the school entity's

1 or nonpublic school's supply of epinephrine auto-injectors to
2 respond to anaphylactic reaction under a standing protocol from
3 a physician and as provided in this section.

4 (g) (1) A school entity or nonpublic school must inform the
5 parent or guardian of a student, in writing, that the school
6 entity or nonpublic school and its employes and agents,
7 including a physician providing standing protocol or
8 prescription for school epinephrine auto-injectors, shall not be
9 liable, except for wilful and wanton misconduct, for any injury
10 arising from the self-administration or use of an epinephrine
11 auto-injector under this section, regardless of whether
12 authorization was given by the student's parent or guardian or
13 by the student's physician, physician's assistant or certified
14 registered nurse practitioner. The parent or guardian of the
15 student must sign a statement acknowledging that the school
16 entity or nonpublic school and its employes and agents shall not
17 be liable, except for wilful and wanton misconduct, for any
18 injury arising from the self-administration or use of an
19 epinephrine auto-injector under this section, regardless of
20 whether authorization was given by the student's parent or
21 guardian or by the student's physician, physician's assistant or
22 certified registered nurse practitioner, and that the parents or
23 guardians must indemnify and hold harmless the school entity or
24 nonpublic school and its employes and agents against any claims,
25 except a claim based on wilful and wanton misconduct, arising
26 out of the self-administration or use of an epinephrine auto-
27 injector under this section, regardless of whether authorization
28 was given by the student's parent or guardian or by the
29 student's physician, physician's assistant or certified
30 registered nurse practitioner.

1 (2) When a trained school employe administers an epinephrine
2 auto-injector to a student whom the employe in good faith
3 believes is having an anaphylactic reaction, notwithstanding the
4 lack of notice to the parent or guardian of the student or the
5 absence of the parent's or guardian's signed statement
6 acknowledging no liability, except for wilful and wanton
7 misconduct, the school entity or nonpublic school and its
8 employes and agents, including a physician providing standing
9 protocol or prescription for school epinephrine auto-injectors,
10 shall not be liable, except for wilful and wanton misconduct,
11 for any injury arising from the use of an epinephrine auto-
12 injector, regardless of whether authorization was given by the
13 student's parent or guardian or by the student's physician,
14 physician's assistant or certified registered nurse
15 practitioner.

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

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