

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 810 Session of 2019

INTRODUCED BY WARREN, READSHAW, T. DAVIS, FREEMAN, DALEY,
DRISCOLL, OTTEN, McCLINTON AND NEILSON, MARCH 13, 2019

REFERRED TO COMMITTEE ON EDUCATION, MARCH 13, 2019

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, further
6 providing for possession and use of asthma inhalers and
7 epinephrine auto-injectors and providing for school
8 administration of adrenal insufficiency medication.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1414.1(a), (b), (d) and (f) of the act of
12 March 10, 1949 (P.L.30, No.14), known as the Public School Code
13 of 1949, are amended to read:

14 Section 1414.1. Possession and Use of Asthma Inhalers [and],
15 Epinephrine Auto-Injectors and Adrenal Insufficiency
16 Medications.--(a) Each school entity shall develop a written
17 policy to allow for the possession and self-administration by
18 children of school age of asthma inhalers [and], epinephrine
19 auto-injectors and adrenal insufficiency medications, and the
20 prescribed medication to be administered thereby, in a school
21 setting. The policy shall comply with section 504 of the

1 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794)
2 and 22 Pa. Code Ch. 15 (relating to protected handicapped
3 students). The policy shall be distributed with the code of
4 student conduct required under 22 Pa. Code § 12.3(c) (relating
5 to school rules) and made available on the school entity's
6 publicly accessible Internet website, if any.

7 (b) The policy under this section shall require a child of
8 school age that desires to possess and self-administer an asthma
9 inhaler [or], epinephrine auto-injector or adrenal insufficiency
10 medication in a school setting to demonstrate the capability for
11 self-administration and for responsible behavior in the use
12 thereof and to notify the school nurse immediately following
13 each use of an asthma inhaler [or], epinephrine auto-injector or
14 adrenal insufficiency medication. The school entity shall
15 develop a system whereby the child may demonstrate competency to
16 the school nurse that the child is capable of self-
17 administration and has permission for carrying and taking the
18 medication through the use of the asthma inhaler [or],
19 epinephrine auto-injector or adrenal insufficiency medication.
20 Determination of competency for self-administration shall be
21 based on age, cognitive function, maturity and demonstration of
22 responsible behavior. The school entity shall also restrict the
23 availability of the asthma inhaler, the epinephrine auto-
24 injector, the adrenal insufficiency medication and the
25 prescribed medication contained therein from other children of
26 school age. The policy shall specify conditions under which a
27 student may lose the privilege to self-carry the asthma inhaler,
28 the epinephrine auto-injector, the adrenal insufficiency
29 medication and the medication if the school policies are abused
30 or ignored. A school entity that prevents a student from self-

1 carrying an asthma inhaler [or], epinephrine auto-injector or
2 adrenal insufficiency medication and the prescribed medication
3 shall ensure that they are appropriately stored at locations in
4 close proximity to the student prohibited from self-carrying and
5 notify the student's classroom teachers of the places where the
6 asthma inhaler [or], epinephrine auto-injector or adrenal
7 insufficiency medication and medication are to be stored and the
8 means to access them.

9 * * *

10 (d) [As used in this section, "school"] For purposes of this
11 section:

12 "Adrenal insufficiency medication" means a medication that
13 treats adrenal insufficiency.

14 "School entity" means a school district, intermediate unit,
15 charter school, cyber charter school, regional charter school or
16 area vocational-technical school.

17 * * *

18 (f) Within one hundred twenty (120) days of the effective
19 date of this subsection, the Department of Health in
20 coordination with the Department of Education shall provide
21 technical assistance and resources and publish information on
22 the Department of Health's publicly accessible Internet website
23 regarding the administration of medication for allergies and
24 adrenal insufficiency by persons employed by a school entity,
25 including the following:

26 (1) Proper use and administration of epinephrine devices and
27 adrenal insufficiency medications.

28 (2) The importance of following the school entity's student
29 services plan required under 22 Pa. Code § 12.41 (relating to
30 student services) and its responsibilities to comply with

1 section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794)
2 and 22 Pa. Code Ch. 15.

3 (3) Recognition of the symptoms of a severe allergic
4 reaction or adrenal crisis.

5 (4) Requirements for proper access, storage and security of
6 student medications.

7 (5) Notification of appropriate persons following
8 administration of medications.

9 (6) Recordkeeping.

10 Section 2. The act is amended by adding a section to read:

11 Section 1414.11. School Administration of Adrenal
12 Insufficiency Medication.--(a) A school entity or nonpublic
13 school may authorize a trained school employe to administer to a
14 student an adrenal insufficiency medication that the student's
15 parent or legal guardian has provided to the appropriate trained
16 school personnel for the school entity or nonpublic school where
17 the trained school employe believes in good faith the student to
18 be having an adrenal crisis.

19 (b) A school entity or nonpublic school that authorizes the
20 administration of adrenal insufficiency medication under this
21 section shall designate one or more individuals at each school
22 who shall be responsible for the storage and use of the adrenal
23 insufficiency medication.

24 (c) Individuals who are responsible for the storage and use
25 of adrenal insufficiency medication must successfully complete a
26 training program that shall be developed and implemented by the
27 Department of Health within ninety (90) days of the effective
28 date of this section.

29 (d) The student's adrenal insufficiency medication provided
30 to the school entity or nonpublic school by the student's parent

1 or legal guardian for storage may be utilized in either of the
2 following ways:

3 (1) Provided to a student by the trained school employe and
4 utilized by a student authorized to self-administer.

5 (2) Administered to a student by the trained school employe
6 authorized to administer adrenal insufficiency medication under
7 subsection (a).

8 (e) In the event a student is believed to be having an
9 adrenal crisis, the school nurse or an individual in the school
10 who is responsible for the storage and use of adrenal
11 insufficiency medications shall contact local emergency services
12 as soon as possible.

13 (f) The provisions of 42 Pa.C.S. §§ 8332 (relating to
14 emergency response provider and bystander good Samaritan civil
15 immunity) and 8337.1 (relating to civil immunity of school
16 officers or employees relating to emergency care, first aid and
17 rescue) shall apply to a person who administers an adrenal
18 insufficiency medication under this section.

19 (g) Administration of an adrenal insufficiency medication
20 under this section shall comply with section 504 of the
21 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794)
22 and 22 Pa. Code Ch. 15 (relating to protected handicapped
23 students).

24 (h) For purposes of this section:

25 "Adrenal crisis" means a sudden, severe worsening of symptoms
26 associated with adrenal insufficiency, such as severe pain in
27 the lower back, abdomen or legs, vomiting, diarrhea,
28 dehydration, low blood pressure or loss of consciousness.

29 "Adrenal insufficiency" means a hormonal disorder that occurs
30 when the adrenal glands do not produce enough adrenal hormones.

1 "Adrenal insufficiency medication" means a medication that
2 treats adrenal insufficiency.

3 "School entity" means a school district, intermediate unit,
4 charter school, cyber charter school, regional charter school or
5 area vocational-technical school.

6 Section 3. This act shall take effect in 60 days.