

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 239 Session of 2021

INTRODUCED BY WARREN, SANCHEZ, HILL-EVANS, BOBACK, CIRESI,
PASHINSKI AND FREEMAN, JANUARY 25, 2021

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 25, 2021

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)(1) and (3) of
12 the act of March 10, 1949 (P.L.30, No.14), known as the Public
13 School Code 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 or area career and technical school.

16 * * *

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

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

27 * * *

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

30 * * *

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

2 Section 1414.11. School Administration of Adrenal
3 Insufficiency Medication.--(a) A school entity or nonpublic
4 school may authorize a trained school employe to administer to a
5 student an adrenal insufficiency medication that the student's
6 parent or legal guardian has provided to the appropriate trained
7 school personnel for the school entity or nonpublic school where
8 the trained school employe believes in good faith the student to
9 be having an adrenal crisis.

10 (b) A school entity or nonpublic school that authorizes the
11 administration of adrenal insufficiency medication under this
12 section shall designate one or more individuals at each school
13 who shall be responsible for the storage and use of the adrenal
14 insufficiency medication.

15 (c) Individuals who are responsible for the storage and use
16 of adrenal insufficiency medication must successfully complete a
17 training program that shall be developed and implemented by the
18 Department of Health within ninety (90) days of the effective
19 date of this section.

20 (d) The student's adrenal insufficiency medication provided
21 to the school entity or nonpublic school by the student's parent
22 or legal guardian for storage may be utilized in either of the
23 following ways:

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

26 (2) Administered to a student by the trained school employe
27 authorized to administer adrenal insufficiency medication under
28 subsection (a).

29 (e) In the event a student is believed to be having an
30 adrenal crisis, the school nurse or an individual in the school

1 who is responsible for the storage and use of adrenal
2 insufficiency medications shall contact local emergency services
3 as soon as possible.

4 (f) The provisions of 42 Pa.C.S. §§ 8332 (relating to
5 emergency response provider and bystander good Samaritan civil
6 immunity) and 8337.1 (relating to civil immunity of school
7 officers or employees relating to emergency care, first aid and
8 rescue) shall apply to a person who administers an adrenal
9 insufficiency medication under this section.

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

15 (h) For purposes of this section:

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

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

22 "Adrenal insufficiency medication" means a medication that
23 treats adrenal insufficiency.

24 "School entity" means a school district, intermediate unit,
25 charter school, cyber charter school, regional charter school or
26 area vocational-technical school.

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