

No. 2014-195

AN ACT

HB 803

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school health services, providing for school access to emergency epinephrine.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1414.2. School Access to Emergency Epinephrine.—(a) Subject to subsection (g), a school entity or nonpublic school may authorize a trained school employe to:

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) As used in this section, "school entity" means a school district, intermediate unit, charter school, cyber charter school, regional charter school or area vocational-technical school.

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

APPROVED—The 31st day of October, A.D. 2014

TOM CORBETT