



January 17, 2014

SENATE BILL No. 245

DIGEST OF SB 245 (Updated January 15, 2014 12:58 pm - DI 104)

Citations Affected: IC 20-34; IC 34-30.

Synopsis: Schools and auto-injectable epinephrine. Allows a health care provider with prescriptive authority to prescribe auto-injectable epinephrine to a school or school district. Sets requirements for certain individuals employed by a school or school district to fill, store, and administer auto-injectable epinephrine. Provides civil immunity for: (1) certain school employees in the administration of auto-injectable epinephrine; and (2) health care providers in the prescribing of auto-injectable epinephrine and in the training of school personnel in the administration of auto-injectable epinephrine.

Effective: July 1, 2014.

Miller Patricia, Becker, Young R

January 9, 2014, read first time and referred to Committee on Health and Provider Services.
January 16, 2014, amended, reported favorably — Do Pass.

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January 17, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 245

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:

4 **Chapter 4.5. Auto-Injectable Epinephrine**
5 **Sec. 1. (a) A school may fill a prescription for auto-injectable**
6 **epinephrine and store the auto-injectable epinephrine in the school**
7 **if a health care provider who is licensed in Indiana and whose**
8 **scope of practice includes the prescribing of medication writes the**
9 **prescription for auto-injectable epinephrine for the school or**
10 **school district.**

11 **(b) The school shall store the auto-injectable epinephrine in a**
12 **safe location in which only school personnel have access.**

13 **Sec. 2. (a) A school nurse may administer auto-injectable**
14 **epinephrine obtained under section 1 of this chapter to any of the**
15 **following individuals if the individual is demonstrating signs or**
16 **symptoms of life-threatening anaphylaxis and the individual does**

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1 not have epinephrine at the school or the individual's prescription
2 is not available:

- 3 (1) Students at the school.
4 (2) School personnel.
5 (3) Visitors at the school.

6 (b) School personnel may administer auto-injectable
7 epinephrine obtained under section 1 of this chapter if the
8 following are met:

- 9 (1) The school employee has voluntarily received training in:
10 (A) recognizing anaphylaxis; and
11 (B) the proper administration of auto-injectable
12 epinephrine;

13 by a health care provider who is licensed or certified in
14 Indiana, for whom the administration of auto-injectable
15 epinephrine is within the health care provider's scope of
16 practice, who has received training in the administration of
17 auto-injectable epinephrine, and who is knowledgeable in
18 recognizing the symptoms of anaphylaxis and the
19 administration of auto-injectable epinephrine.

20 (2) The individual to whom the epinephrine is being
21 administered is:

- 22 (A) a student at the school;
23 (B) a member of school personnel; or
24 (C) a visitor at the school.

25 Sec. 3. (a) A health care provider who is licensed in Indiana and
26 whose scope of practice includes the prescribing of medication may
27 write a prescription, drug order, or protocol for auto-injectable
28 epinephrine for the school or school district.

29 (b) A pharmacist licensed under IC 25-26 may dispense a valid
30 prescription, drug order, or protocol for auto-injectable
31 epinephrine issued in the name of a school or school district.

32 Sec. 4. (a) A school nurse or school employee who administers
33 auto-injectable epinephrine in accordance with the manufacturer's
34 guidelines and with this chapter is not liable for civil damages
35 resulting from the administration of auto-injectable epinephrine
36 under this chapter unless the act or omission constitutes gross
37 negligence or willful or wanton misconduct.

38 (b) A licensed health care provider who:

39 (1) writes a prescription, drug order, or protocol under this
40 chapter; or

41 (2) provides training to school personnel under this chapter;
42 is not liable for civil damages resulting from the administration of



1 **auto-injectable epinephrine under this chapter.**
2 SECTION 2. IC 34-30-2-85.6 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: **Sec. 85.6. IC 20-34-4.5-4 (Concerning**
5 **school nurses, school personnel, and health care providers and the**
6 **administration of auto-injectable epinephrine).**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, delete "physician licensed under IC 25-22.5 or a registered nurse".

Page 2, line 14, delete "licensed under IC 25-23," and insert **"health care provider who is licensed or certified in Indiana, for whom the administration of auto-injectable epinephrine is within the health care provider's scope of practice, who has received training in the administration of auto-injectable epinephrine, and"**.

Page 2, line 30, after "with" insert **"the manufacturer's guidelines and with"**.

and when so amended that said bill do pass.

(Reference is to SB 245 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

