

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 392

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-43-1, AS ADDED BY P.L.59-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter does not apply to the use of **auto-injectable epinephrine emergency medication (as defined in IC 20-34-4.5-0.2)** at a school or school ~~district~~ **corporation** governed by IC 20-34-4.5.

SECTION 2. IC 16-41-43-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3.5. Injectable epinephrine that is filled and used in accordance with this chapter must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the entity.**

SECTION 3. IC 20-34-4.5-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.2. As used in this chapter, "emergency medication" means any of the following:**

- (1) Albuterol.**
- (2) Epinephrine.**
- (3) Naloxone, as an overdose intervention drug that is subject to IC 16-42-27.**

SECTION 4. IC 20-34-4.5-0.4 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.4. As used in this chapter, "emergency stock medication" means emergency medication to which both of the following apply:**

- (1) The prescription for the emergency medication is filled by a school or school corporation.**
- (2) The emergency medication is stored at a school in accordance with this chapter.**

SECTION 5. IC 20-34-4.5-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.6. As used in this chapter, "school" means:**

- (1) a public school;**
- (2) a charter school; or**
- (3) an accredited nonpublic school.**

SECTION 6. IC 20-34-4.5-0.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.8. As used in this chapter, "school nurse" has the meaning set forth in IC 20-34-5-9.**

SECTION 7. IC 20-34-4.5-1, AS ADDED BY P.L.92-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1. (a) A school or a school corporation may:**

- (1) fill a prescription for ~~auto-injectable~~ epinephrine an emergency medication; and**
- (2) store the ~~auto-injectable~~ epinephrine emergency medication:**
in:

- (A) if the prescription is filled by a school, in the school; or**
- (B) if the prescription is filled by a school corporation, in a school in the school corporation;**

if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for ~~auto-injectable~~ epinephrine **the emergency medication** for the school or school ~~district~~: **corporation.**

(b) The school shall store the ~~auto-injectable~~ epinephrine **emergency medication** in a safe location in which only school ~~personnel~~ **employees** have access.

SECTION 8. IC 20-34-4.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1.5. Injectable epinephrine that is filled and used in accordance with this chapter must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the**



school or school corporation.

SECTION 9. IC 20-34-4.5-2, AS ADDED BY P.L.92-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A school nurse may administer ~~auto-injectable epinephrine~~ **emergency stock medication** obtained under section 1 of this chapter to any of the following individuals if the individual is demonstrating signs or symptoms of ~~a life-threatening anaphylaxis~~ **emergency** and the individual does not have ~~epinephrine~~ **emergency medication** at the school or the individual's prescription is not available:

- (1) Students at the school.
- (2) School ~~personnel~~; **employees.**
- (3) Visitors at the school.

(b) School employees may administer ~~auto-injectable epinephrine~~ **emergency stock medication** obtained under section 1 of this chapter if the following are met:

- (1) The school employee has voluntarily received training in:
 - (A) recognizing ~~anaphylaxis~~; **a life-threatening emergency;**
 - and
 - (B) the proper administration of ~~auto-injectable epinephrine;~~ **emergency medication;**

by a health care provider who is licensed or certified in Indiana, for whom the administration of ~~auto-injectable epinephrine~~ **emergency medication** is within the health care provider's scope of practice, who has received training in the administration of ~~auto-injectable epinephrine;~~ **emergency medication**, and who is knowledgeable in recognizing the symptoms of ~~anaphylaxis~~ **a life-threatening emergency** and the administration of ~~auto-injectable epinephrine.~~ **emergency medication.**

- (2) The individual to whom the ~~epinephrine~~ **emergency stock medication** is being administered is:
 - (A) a student at the school;
 - (B) a ~~member of school personnel;~~ **employee;** or
 - (C) a visitor at the school.

SECTION 10. IC 20-34-4.5-3, AS ADDED BY P.L.92-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for ~~auto-injectable epinephrine~~ **an emergency medication** for ~~the a school or school district.~~ **corporation.**

(b) A pharmacist licensed under IC 25-26 may dispense a valid



prescription, drug order, or protocol for ~~auto-injectable epinephrine~~ **an emergency medication** issued in the name of a school or school ~~district~~ **corporation**.

SECTION 11. IC 20-34-4.5-4, AS ADDED BY P.L.92-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A school nurse or school employee who administers ~~auto-injectable epinephrine~~ **an emergency stock medication** in accordance with the manufacturer's guidelines and with this chapter is not liable for civil damages resulting from the administration of ~~auto-injectable epinephrine~~ **the emergency stock medication** under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A ~~licensed~~ health care provider **described in section 3 of this chapter** who

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

(2) ~~provides training to school personnel under this chapter;~~

is not liable for civil damages resulting from the administration of ~~auto-injectable epinephrine~~ **an emergency stock medication** under this chapter.

(c) **A health care provider described in section 2(b)(1) of this chapter who provides training to school employees under this chapter is not liable for civil damages resulting from the administration of an emergency stock medication.**

SECTION 12. IC 20-34-4.5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 5. The department shall:**

(1) **develop guidance materials concerning each emergency medication; and**

(2) **post a copy of the guidance materials on the department's Internet web site.**

SECTION 13. IC 20-34-4.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. A school employee described in section 2(b)(1) of this chapter or a school nurse shall:**

(1) **make a report when an emergency stock medication is administered; and**

(2) **submit the report to the department in an electronic format not later than ten (10) school days after the emergency stock medication is administered.**

SECTION 14. IC 21-44.5-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2017]: **Sec. 5.5. Injectable epinephrine that is filled and used in accordance with this chapter must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the postsecondary educational institution.**

SECTION 15. IC 34-30-2-85.6, AS ADDED BY P.L.92-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 85.6. IC 20-34-4.5-4 (Concerning school nurses, school ~~personnel~~, **employees**, and health care providers and the administration of ~~auto-injectable epinephrine~~: **emergency stock medication**).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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