

Regular Session, 2012

SENATE BILL NO. 119

BY SENATOR MORRELL

SCHOOLS. Provides for administration of auto-injectable epinephrine by a school nurse.
(gov sig)

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AN ACT

To enact R.S. 17:436.1(K), relative to the administration of medication to public school students; to require public school governing authorities to adopt a policy allowing school nurses to administer certain medication to students under certain circumstances; to provide for definitions; to provide for limitation of liability; to provide for notification of policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(K) is hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions

* * *

K.(1) Notwithstanding any provision of law or any rule, regulation, or policy to the contrary, the governing authority of each public elementary and secondary school shall adopt a policy authorizing a school nurse to administer auto-injectable epinephrine, as defined in R.S. 17:436.1(J)(4)(a), to a student who the school nurse, in good faith, professionally believes is having an anaphylactic reaction, whether or not such student has a prescription for epinephrine.

1 **(2) A school nurse who in good faith administers, or chooses not to**
 2 **administer, epinephrine to a student pursuant to this Subsection shall be**
 3 **immune from any liability for any act or omission to act related to the**
 4 **administration of epinephrine, except in the case of willful or wanton**
 5 **misconduct.**

6 **(3) Each public elementary and secondary school may maintain a supply**
 7 **of auto-injectable epinephrine at the school in a locked, secure, and easily**
 8 **accessible location. A licensed physician may prescribe epinephrine auto-**
 9 **injectors in the name of the school system or the individual school to be**
 10 **maintained for use when deemed necessary pursuant to the provisions of this**
 11 **Subsection.**

12 **(4) Each school shall include the policy required by this Subsection in**
 13 **its student handbook and post such policy on the school's website, if it has one.**
 14 **Such policy shall also be disclosed to any parent or other legal guardian who**
 15 **notifies the school in which the student is enrolled, in writing, that the student**
 16 **has an allergy or other condition which puts him at risk of anaphylaxis.**

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Present law provides relative to the administration of medication to public school students and the self administration of certain medication by certain students.

Proposed law retains present law and additionally requires the governing authority of each public elementary and secondary school to adopt a policy authorizing a school nurse to administer auto-injectable epinephrine to a student who the school nurse, in good faith, professionally believes is having an anaphylactic reaction, whether or not such student has a prescription for epinephrine. Present law defines "auto-injectable epinephrine" as a medical device for the immediate self-administration of epinephrine by a person at risk for anaphylaxis.

Proposed law provides that a school nurse who in good faith administers, or chooses not to administer, epinephrine to a student shall be immune from any liability for any act or omission to act related to the administration of epinephrine pursuant to proposed law, except in the case of willful or wanton misconduct.

Proposed law provides that each public elementary and secondary school may maintain a supply of epinephrine at the school in a locked, secure, and easily accessible location. Further provides that a licensed physician may prescribe epinephrine auto-injectors in the name of the school system or the individual school.

Proposed law requires each school to include the required policy in its student handbook and to post such policy on the school's website, if it has one. Further requires the school to disclose such policy to a parent or legal guardian who notifies the school in which a student is enrolled, in writing, that the student has an allergy or other condition which puts him at risk of anaphylaxis.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:436.1(K))