



2013 SENATE BILL 416

December 3, 2013 – Introduced by Senators OLSEN and GUDEx, cosponsored by Representatives PASCH, A. OTT, BERCEAU, BILLINGS, T. LARSON and OHNSTAD. Referred to Committee on Education.

- 1 **AN ACT to create** 118.292 (1v) and 118.292 (2) (c) of the statutes; **relating to:** a
2 pupil's possession and use of an epinephrine auto-injector.

Analysis by the Legislative Reference Bureau

Under current law, a pupil may possess and use an epinephrine auto-injector while in a public, private, or tribal school, at a school-sponsored activity, or under the supervision of a school authority if the pupil uses the injector to prevent the onset or alleviate the symptoms of an emergency situation. An emergency situation is a situation in which a pupil reasonably believes that he or she is experiencing a severe allergic reaction, including anaphylaxis, that requires the administration of epinephrine to avoid severe injury or death.

In order to possess and use an epinephrine auto-injector while in school, current law requires the pupil to obtain the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the pupil's parent or guardian, and to provide the school principal with a copy of the approval or approvals.

This bill requires the governing body of each school to adopt a written policy describing the procedure for a pupil's possession and use of an epinephrine auto-injector. The policy must require that school employees do the following:

1. Inform the pupil that if he or she uses an epinephrine auto-injector, he or she must notify a school employee as soon as possible.
2. If the pupil notifies a school employee, report the pupil's use of the epinephrine auto-injector by dialing "911."

The bill also exempts school boards and districts, private schools, and tribal schools, and their employees, from civil liability for an injury incurred by any person

