

HOUSE BILL NO. HB0173

Schools-administration of epinephrine.

Sponsored by: Representative(s) Throne and Barlow and  
Senator(s) Craft

A BILL

for

1 AN ACT relating to schools; authorizing the administration  
2 and storage of medication required for potentially life  
3 threatening conditions; imposing requirements; providing  
4 guidelines; delegating duties to the department of  
5 education and department of health; providing exceptions to  
6 liability; providing definitions; and providing for an  
7 effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 21-4-316 is created to read:

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13 **21-4-316. Administration of epinephrine auto-**  
14 **injectors.**

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1           (a) A district board may adopt and implement a policy  
2 whereby schools within the district may acquire and  
3 maintain a supply of epinephrine auto-injectors. Upon  
4 authorization by the board, school nurses and designated  
5 school personnel may administer an epinephrine auto-  
6 injector to a student that the school nurse or designated  
7 school personnel in good faith believes is experiencing a  
8 severe allergic reaction. A district board may enter into  
9 arrangements with manufacturers or third-party suppliers of  
10 epinephrine auto-injectors to obtain the medication at fair  
11 market, free or reduced prices.

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13           (b) A district board that decides to maintain a  
14 supply of epinephrine auto-injectors shall:

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16           (i) Implement a plan based on the guidelines  
17 developed pursuant to this section for the management of  
18 students with life threatening allergies enrolled in the  
19 schools within the district;

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21           (ii) Make the plan available on the school  
22 district's website or the website of each school within the  
23 district, or if such websites do not exist, make the plan

1 publicly available through other practicable means as  
2 determined by the board.

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4 (c) Not later than December 31, 2014, the department  
5 of education, in consultation with the department of  
6 health, shall develop and make available to all schools  
7 guidelines for the management of students with life  
8 threatening allergies. The guidelines shall include, but  
9 not be limited to:

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11 (i) Identification of life threatening allergies  
12 or severe allergic reactions qualifying for administration  
13 of epinephrine auto-injectors under this act;

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15 (ii) Identification of appropriate and  
16 acceptable epinephrine auto-injectors;

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18 (iii) Education and training for school  
19 personnel on the management of students with life  
20 threatening allergies, including training related to the  
21 administration of epinephrine auto-injectors;

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23 (iv) Procedures for responding to life  
24 threatening allergies;

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2 (v) A process for the development of  
3 individualized health care and allergy action plans for  
4 every student with a life threatening allergy;

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6 (vi) Protocols to prevent exposure to allergens;

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8 (vii) Requirements for each school to keep a  
9 record of each incident that involves a life threatening  
10 allergy or the administration of epinephrine auto-  
11 injectors;

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13 (viii) Requirements for schools that have  
14 adopted a policy allowing for the administration of  
15 epinephrine auto-injectors pursuant to this section to  
16 maintain a list of employees in the school or school  
17 district who have been trained and designated to administer  
18 epinephrine auto-injectors;

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20 (ix) Requirements for school nurses and  
21 designated school personnel to confirm completion of a  
22 training program approved by the department of education,  
23 in consultation with the department of health.

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1           (d) A school that possesses and makes available  
2 epinephrine auto-injectors and those persons specified in  
3 this subsection shall not be liable for damages for any  
4 injuries that result from the administration of, self-  
5 administration of, or failure to administer epinephrine  
6 auto-injectors that may constitute ordinary  
7 negligence. This immunity applies regardless of whether  
8 authorization was provided by the student's parent or  
9 guardian or by the student's health care provider. This  
10 immunity does not apply to acts or omissions constituting  
11 gross, willful or wanton negligence. To qualify for this  
12 immunity, the governing authority of a nonpublic school  
13 that decides to maintain a supply of epinephrine auto-  
14 injectors shall have implemented a policy based on the  
15 guidelines adopted by the state department of education as  
16 described in this section. The administration of  
17 epinephrine auto-injectors in accordance with this section  
18 is not the practice of medicine. The immunity from  
19 liability provided under this section is in addition to and  
20 not in lieu of that provided under W.S. 1-1-120. The  
21 immunity provided in this subsection extends to:

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23           (i) A district board, school nurses, employees,  
24 agents and volunteers of the district;

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2 (ii) An authorized health care provider who  
3 prescribes epinephrine auto-injectors; and

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5 (iii) An individual or entity that conducts the  
6 training described in this section.

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8 (e) As used in this section:

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10 (i) "Administer" or "administration" means the  
11 direct application of a epinephrine auto-injector;

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13 (ii) "Authorized health care provider" means an  
14 individual authorized by law to prescribe and administer  
15 prescription drugs in the course of professional practice;

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17 (iii) "Designated school personnel" means an  
18 employee, agent or volunteer of a school designated by the  
19 governing board of the school who has completed the  
20 training required under this section to provide or  
21 administer epinephrine auto-injectors;

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1           (iv) "District board" means a school district  
2 board of education of a public school or the governing  
3 board of a nonpublic school;

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5           (v) "Provide" means the supply of one (1) or  
6 more epinephrine auto-injectors;

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8           (vi) "School" means any public or nonpublic  
9 school;

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11           (vii) "Self-administration" means a student or  
12 other person's discretionary use of epinephrine auto-  
13 injectors, whether provided by the student or by a school  
14 nurse or designated school personnel pursuant to this  
15 section.

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17           (f) Nothing in this section shall be held to apply to  
18 or affect W.S. 21-4-310.

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20           **Section 2.** This act is effective July 1, 2014.

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(END)