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SENATE BILL 25-278

BY SENATOR(S) Mullica, Amabile, Ball, Bright, Carson, Catlin, Cutter, Daugherty, Exum, Frizell, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Roberts, Snyder, Wallace, Coleman;

also REPRESENTATIVE(S) Stewart R. and Bradley, Barron, Bird, Bottoms, Bradfield, Caldwell, Camacho, Duran, English, Espenosa, Garcia Sander, Gilchrist, Hamrick, Jackson, Joseph, Keltie, Lieder, Lindsay, Lukens, Mabrey, Martinez, Paschal, Phillips, Pugliese, Richardson, Rutinel, Rydin, Sirota, Soper, Stewart K., Story, Titone, Velasco, Weinberg, McCluskie.

CONCERNING THE ADMINISTRATION OF EMERGENCY-USE EPINEPHRINE IN A SCHOOL SETTING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 22-1-119.5, **amend** (5), (5.5)(a)(I), (5.5)(a)(II), (5.5)(b), (5.5)(c), (5.5)(d), (5.5)(e) introductory portion, (5.5)(f), (6), (8)(a), (8)(e), (8)(f), (8)(g) introductory portion, (8)(g)(II), and (8)(g)(III); and **add** (10) as follows:

22-1-119.5. Asthma, food allergy, and anaphylaxis health

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

management - self-administered medication - staff-administered medication - rules - definitions. (5) Immediately after using ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~ during school hours, a student shall report to the school nurse, to the designee of the school nurse, or to some adult at the school to enable the school nurse, SCHOOL nurse's designee, or other adult to provide the appropriate follow-up care, which shall include making a 911 emergency call.

(5.5) (a) As used in this subsection (5.5) and in subsection (6) of this section, unless the context otherwise requires:

(I) "Administer" or "administration" means to give a dose of medicine to a student who has asthma or a food or other allergy or who is experiencing anaphylaxis, including the use of ~~an~~ EMERGENCY-USE epinephrine, ~~auto-injector~~, an asthma inhaler, or oral medication.

(II) "Designated school personnel" means:

(A) An employee in a school who has been trained on the administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ consistent with the rules on administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ and to whom a school nurse has delegated the nursing task of administering EMERGENCY-USE epinephrine ~~auto-injectors~~ to students; or

(B) An employee in a school who has been trained on the administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ consistent with the rules on administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ and to whom a SCHOOL nurse has delegated the nursing task of administering EMERGENCY-USE epinephrine ~~auto-injectors~~ to students or WHO has been trained by a medical professional licensed under article 240 of title 12 or part 1 of article 255 of title 12 and to whom the licensee has delegated the administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ under the authority of that person's license.

(b) A governing authority of a school may adopt and implement a policy whereby schools under its jurisdiction may acquire and maintain a stock supply of EMERGENCY-USE epinephrine. ~~auto-injectors~~.

(c) A governing authority of a school may adopt a policy for schools within its jurisdiction to authorize the school nurse or other designated

school personnel to administer ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~ to any student that the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis, in accordance with standing orders and protocols from a licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority, regardless of whether the student has a prescription for ~~an~~ EMERGENCY-USE epinephrine. ~~auto-injector~~.

(d) A governing authority of a school may enter into arrangements with manufacturers of EMERGENCY-USE epinephrine ~~auto-injectors~~ or third-party suppliers of EMERGENCY-USE epinephrine ~~auto-injectors~~ to obtain EMERGENCY-USE epinephrine ~~auto-injectors~~ at fair-market or reduced prices or for free.

(e) The governing authority of a public school that decides to maintain a supply of EMERGENCY-USE epinephrine ~~auto-injectors~~ as described in this subsection (5.5) shall:

(f) To qualify for the protections in subsection (6) of this section, the governing authority of a nonpublic school that decides to maintain a supply of EMERGENCY-USE epinephrine ~~auto-injectors~~ as described in this subsection (5.5) must implement a plan based on the rules adopted by the state board of education as described in subsection (8) of this section.

(6) Unless the damages were caused by willful or wanton conduct or disregard of the criteria of an approved treatment plan, if the provisions of this section are met, a school, school district, school district director, or school or school district employee not otherwise provided for under section 13-21-108 ~~C.R.S.~~, shall not be liable in a suit for damages as a result of an act or omission related to:

(a) A student's own use of the student's EMERGENCY-USE epinephrine ~~auto-injector~~ or any other medication contained in an approved treatment plan; or

(b) The good faith administration of ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~ in accordance with a policy and standing orders and protocols on the administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ as described in ~~paragraph (c) of subsection (5.5) of this section~~ SUBSECTION (5.5)(c) OF THIS SECTION and pursuant to a plan adopted

pursuant to ~~paragraph (e) or (f) of subsection (5.5) of this section~~
SUBSECTION (5.5)(e) OR (5.5)(f) OF THIS SECTION.

(8) The state board of education, with assistance from the department of public health and environment, shall promulgate and revise, as necessary, rules for treatment plans for the management of students with life-threatening allergies pursuant to this section. The state board of education shall adopt rules on or before December 31, 2013, to include but not be limited to:

(a) Education and training for school nurses and designated school personnel on the management of students with life-threatening allergies, including training related to the administration of ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~. In developing the rules on education and training, the state board shall solicit input from an organization that represents school nurses.

(e) Requirements for each school to submit, on a form developed by the department of education, a report of each incident at the school or a related-school event involving a severe allergic reaction or the administration of ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~ or both;

(f) Requirements for school nurses in schools that have adopted a policy allowing for the administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ pursuant to subsection (5.5) of this section to report to the department OF EDUCATION whether the school nurse has trained and designated any school personnel to administer EMERGENCY-USE epinephrine ~~auto-injectors~~ and, if so, the number of employees in the school or school district that have been trained and designated to administer EMERGENCY-USE epinephrine; ~~auto-injectors~~;

(g) Detailed standards for training programs that must be completed by school nurses and designated school personnel in order to administer ~~an~~ EMERGENCY-USE epinephrine ~~auto-injector~~ in accordance with subsection (5.5) of this section. Training may be conducted online and, at a minimum, shall cover:

(II) Standards and procedures for the storage and administration of ~~an~~ EMERGENCY-USE epinephrine; ~~auto-injector~~; and

(III) Emergency follow-up procedures after administering an EMERGENCY-USE epinephrine. ~~auto-injector.~~

(10) AS USED IN THIS SECTION, "EMERGENCY-USE EPINEPHRINE" MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE OR PRODUCT APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT CONTAINS A PREMEASURED, SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.

SECTION 2. In Colorado Revised Statutes, 22-2-135, **amend** (3)(a) introductory portion, (3)(a)(III), and (3)(a)(IV) as follows:

22-2-135. Food allergy and anaphylaxis management - rules.

(3) (a) On or before January 1, 2010, the state board of education, in consultation with the department of public health and environment, shall promulgate rules for the management of food allergies and anaphylaxis among students enrolled in the public schools of the state. The rules ~~shall~~ MUST include, but need not be limited to, the following:

(III) The provision of emergency anaphylaxis treatment training for appropriate staff to prepare them to respond appropriately in the event that a student suffers anaphylaxis as a result of an allergic reaction to food, which training ~~shall~~ MUST include but need not be limited to training in the administration of ~~self-injectable~~ epinephrine; and

(IV) Procedures to ensure the availability of a student's ~~self-injectable~~ epinephrine to faculty and administrative staff of the school in the event that a student suffers anaphylaxis and requires emergency medical treatment.

SECTION 3. Appropriation. For the 2025-26 state fiscal year, \$9,379 is appropriated to the department of education for use by student pathways. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.1 FTE. To implement this act, the division may use this appropriation for epinephrine administration.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO