

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-1044.01 Kristen Forrestal x4217

SENATE BILL 25-278

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

Stewart R.,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF EMERGENCY-USE EPINEPHRINE**
102 **IN A SCHOOL SETTING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

For the purpose of encompassing the different ways that epinephrine may be administered to treat anaphylaxis in a school setting, the bill changes the term "epinephrine auto-injector" to "emergency-use epinephrine".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-119.5, **amend**
3 (5), (5.5)(a)(I), (5.5)(a)(II), (5.5)(b), (5.5)(c), (5.5)(d), (5.5)(e)
4 introductory portion, (5.5)(f), (6), (8)(a), (8)(e), (8)(f), (8)(g) introductory
5 portion, (8)(g)(II), and (8)(g)(III); and **add** (10) as follows:

6 **22-1-119.5. Asthma, food allergy, and anaphylaxis health**
7 **management - self-administered medication - staff-administered**
8 **medication - rules - definitions.** (5) Immediately after using ~~an~~
9 EMERGENCY-USE epinephrine ~~auto-injector~~ during school hours, a student
10 shall report to the school nurse, to the designee of the school nurse, or to
11 some adult at the school to enable the school nurse, SCHOOL nurse's
12 designee, or other adult to provide the appropriate follow-up care, which
13 shall include making a 911 emergency call.

14 (5.5) (a) As used in this subsection (5.5) and in subsection (6) of
15 this section, unless the context otherwise requires:

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

20 (II) "Designated school personnel" means:

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

27 (B) An employee in a school who has been trained on the

1 administration of EMERGENCY-USE epinephrine ~~auto-injectors~~ consistent
2 with the rules on administration of EMERGENCY-USE epinephrine
3 ~~auto-injectors~~ and to whom a SCHOOL nurse has delegated the nursing
4 task of administering EMERGENCY-USE epinephrine ~~auto-injectors~~ to
5 students or WHO has been trained by a medical professional licensed
6 under article 240 of title 12 or part 1 of article 255 of title 12 and to
7 whom the licensee has delegated the administration of EMERGENCY-USE
8 epinephrine ~~auto-injectors~~ under the authority of that person's license.

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

12 (c) A governing authority of a school may adopt a policy for
13 schools within its jurisdiction to authorize the school nurse or other
14 designated school personnel to administer ~~an~~ EMERGENCY-USE
15 epinephrine ~~auto-injector~~ to any student that the school nurse or
16 designated school personnel in good faith believes is experiencing
17 anaphylaxis, in accordance with standing orders and protocols from a
18 licensed physician, physician assistant, or advanced practice registered
19 nurse with prescriptive authority, regardless of whether the student has a
20 prescription for ~~an~~ EMERGENCY-USE epinephrine. ~~auto-injector.~~

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

26 (e) The governing authority of a public school that decides to
27 maintain a supply of EMERGENCY-USE epinephrine ~~auto-injectors~~ as

1 described in this subsection (5.5) shall:

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

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

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

16 (b) The good faith administration of ~~an~~ EMERGENCY-USE
17 epinephrine ~~auto-injector~~ in accordance with a policy and standing orders
18 and protocols on the administration of EMERGENCY-USE epinephrine
19 ~~auto-injectors~~ as described in ~~paragraph (c) of subsection (5.5) of this~~
20 ~~section~~ SUBSECTION (5.5)(c) OF THIS SECTION and pursuant to a plan
21 adopted pursuant to ~~paragraph (c) or (f) of subsection (5.5) of this section~~
22 SUBSECTION (5.5)(e) OR (5.5)(f) OF THIS SECTION.

23 (8) The state board of education, with assistance from the
24 department of public health and environment, shall promulgate and
25 revise, as necessary, rules for treatment plans for the management of
26 students with life-threatening allergies pursuant to this section. The state
27 board of education shall adopt rules on or before December 31, 2013, to

1 include but not be limited to:

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

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

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

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

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

27 (III) Emergency follow-up procedures after administering ~~an~~

1 EMERGENCY-USE epinephrine. ~~auto-injector.~~

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

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

9 **22-2-135. Food allergy and anaphylaxis management - rules.**

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

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

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

24 **SECTION 3. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.