First Regular Session Seventy-fifth General Assembly STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 25-1044.01 Kristen Forrestal x4217

SENATE BILL 25-278

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

Stewart R.,

Senate Committees

House Committees

Health & Human Services Appropriations

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".

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

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

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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

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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

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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

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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

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

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