

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1727

H.P. 1235

House of Representatives, January 14, 2014

An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PETERSON of Rumford.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: DAUGHTRY of Brunswick, GRAHAM of North Yarmouth, HUBBELL of
Bar Harbor, KORNFIELD of Bangor, MacDONALD of Boothbay, SCHNECK of Bangor,
SHORT of Pittsfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6305** is enacted to read:

3 **§6305. Epinephrine autoinjectors; guidelines; emergency administration**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Designated school personnel" means those employees, agents or volunteers of a
7 school designated by the governing body of a school to provide or administer an
8 epinephrine autoinjector to a student who have completed the training required by
9 rule to provide or administer an epinephrine autoinjector to a student.

10 B. "Epinephrine autoinjector" means a device that automatically injects a
11 premeasured dose of epinephrine.

12 C. "School" means a public or approved private school.

13 **2. Epinephrine autoinjectors maintained by school.** A school may maintain a
14 supply of epinephrine autoinjectors if the epinephrine autoinjectors are used in
15 accordance with subsection 3 and prescribed in the name of the school by:

16 A. A physician licensed to practice medicine in the State;

17 B. An advanced practice registered nurse licensed under Title 32, chapter 31; or

18 C. A physician assistant licensed under Title 32, chapter 48.

19 **3. Use of epinephrine autoinjectors.** The governing body of a school may
20 authorize school nurses and designated school personnel to:

21 A. Provide an epinephrine autoinjector to a student to self-administer the epinephrine
22 autoinjector in accordance with a prescription specific to the student on file with the
23 school nurse;

24 B. Administer an epinephrine autoinjector to a student in accordance with a
25 prescription specific to the student on file with the school nurse; or

26 C. Administer an epinephrine autoinjector to a student on school premises, whether
27 or not the student has a prescription for an epinephrine autoinjector, if the student's
28 parent has approved the administration of an epinephrine autoinjector and the school
29 nurse or designated school personnel in good faith believe the student is experiencing
30 anaphylaxis. The administration must be in accordance with a standing protocol
31 from:

32 (1) A physician licensed to practice medicine in the State;

33 (2) An advanced practice registered nurse licensed under Title 32, chapter 31; or

34 (3) A physician assistant licensed under Title 32, chapter 48.

35 **4. Manufacturer or supplier arrangement.** A school may enter into an
36 arrangement with a manufacturer of epinephrine autoinjectors or a 3rd-party supplier of

1 epinephrine autoinjectors to obtain epinephrine autoinjectors at fair market prices or
2 reduced prices or for free.

3 **5. Guidelines.** By December 1, 2014, the department in consultation with the
4 Department of Health and Human Services shall develop and make available to all
5 schools guidelines for the management of students with life-threatening allergies. The
6 guidelines must include, but are not limited to:

7 A. Education and training for school personnel on the management of students with
8 life-threatening allergies, including training related to the administration of an
9 epinephrine autoinjector;

10 B. Procedures for responding to life-threatening allergic reactions;

11 C. A process for the development of individualized health care and allergy action
12 plans for students with known life-threatening allergies; and

13 D. Protocols to prevent exposure to allergens.

14 **6. Plan.** By January 1, 2015, the governing body of a school shall:

15 A. Implement a plan based on the guidelines developed pursuant to subsection 5 for
16 the management of students with life-threatening allergies enrolled in the schools
17 under its jurisdiction; and

18 B. Make the plan under paragraph A available on the governing body's publicly
19 accessible website or the publicly accessible website of each school under the
20 governing body's jurisdiction or, if such websites do not exist, make the plan publicly
21 available through other means as determined by the governing body.

22 The governing body of the school shall annually attest to the department that the schools
23 under its jurisdiction are implementing the plan in accordance with the provisions of this
24 subsection.

25 **7. Immunity.** A school and its employees and agents, including a physician licensed
26 to practice medicine in the State, an advanced practice registered nurse licensed under
27 Title 32, chapter 31 or a physician assistant licensed under Title 32, chapter 48 providing
28 a prescription or standing protocol for school epinephrine autoinjectors, are not liable for
29 damages for any injuries that result from the administration or self-administration of an
30 epinephrine autoinjector that may constitute ordinary negligence, regardless of whether
31 authorization was given by the student's parent or by the student's physician, physician
32 assistant or advanced practice registered nurse as long as the administration of an
33 epinephrine autoinjector is in accordance with this section. This immunity does not apply
34 to acts or omissions constituting gross, willful or wanton negligence. The administration
35 of an epinephrine autoinjector in accordance with this section is not the practice of
36 medicine. The immunity from liability provided under this subsection is in addition to
37 and not in lieu of that provided under Title 14, section 164.

38 **Sec. 2. Rules.** By December 1, 2014, the Department of Education and the
39 Department of Health and Human Services shall adopt rules necessary to carry out the
40 provisions of the Maine Revised Statutes, Title 20-A, section 6305. Rules adopted

1 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
2 subchapter 2-A. The rules must:

3 1. Require each school to submit to the Department of Education, on a form
4 developed by the Department of Education, a report of each incident at the school or a
5 school event involving a severe allergic reaction or the administration of an epinephrine
6 autoinjector;

7 2. Provide for the development and publication, without disclosing personally
8 identifying information, of an annual report by the Department of Education compiling,
9 summarizing and analyzing all incident reports submitted pursuant to subsection 1; and

10 3. Establish detailed standards for training programs that must be completed by
11 designated school personnel in order to provide or administer an epinephrine autoinjector
12 in accordance with Title 20-A, section 6305. The training program may be conducted
13 online and must, at a minimum, cover:

14 A. Techniques on how to recognize symptoms of severe allergic reactions, including
15 anaphylaxis;

16 B. Standards and procedures for the storage and administration of epinephrine
17 autoinjectors; and

18 C. Emergency follow-up procedures.

19 **SUMMARY**

20 This bill establishes guidelines for the stocking and administering of epinephrine
21 autoinjectors by schools.