

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2046

S.P. 839

In Senate, December 11, 2025

An Act to Update Certain Duties Regarding Student Health Related to Communicable and Infectious Disease

Submitted by the Department of Education pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 9, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RAFFERTY of York.

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

2 **Sec. 1. 20-A MRSA §6301**, as amended by PL 2017, c. 381, §§5 to 7 and corrected
3 by RR 2017, c. 2, §3, is further amended to read:

4 **§6301. ~~Student health~~ Communicable or infectious disease**

5 The following provisions apply to a student ~~health~~ showing symptoms of a
6 communicable or infectious disease.

7 **1. ~~Duty of teacher~~ school personnel.** A ~~teacher~~ member of school personnel who has
8 reason to believe that a student is a public health threat as a result of having a communicable
9 disease of the skin, mouth or eyes showing symptoms of a communicable or infectious
10 disease reportable under Title 22, chapter 250, subchapter 3 or that pose a public health
11 threat shall inform the superintendent or the superintendent's designee.

12 **2. Duty of superintendent.** A superintendent or a superintendent's designee informed
13 by ~~a teacher~~ a member of school personnel under subsection 1 may:

14 A. ~~Inform~~ Advise the student's parent: to furnish the student with the required home
15 or medical treatment for the relief of the student's symptoms or disease reported under
16 subsection 1;

17 ~~(1) To cleanse the clothing and body of the student; and~~

18 ~~(2) To furnish the student with the required home or medical treatment for the~~
19 ~~relief of the student's trouble so defined in subsection 1;~~

20 B. Exclude the student from the public schools until the student is no longer a public
21 health threat;

22 C. Exclude the student from public school as soon as safe and proper transportation
23 home is available; and

24 D. Consult with the school nurse.

25 **3. Duty of parent.** A parent informed by a superintendent or the superintendent's
26 designee under subsection 2 shall promptly do what is reasonably necessary to ensure that
27 the student is not a public health threat.

28 ~~**4. Penalty.** Any parent who fails to comply with subsection 3 shall be fined not more~~
29 ~~than \$5 for the first offense or \$10 for subsequent offenses.~~

30 **5-A. Notification.** ~~The~~ A superintendent or the superintendent's designee informed
31 by a member of school personnel under subsection 1 shall cause notice of the
32 communicable or infectious disease to be given to the Department of Health and Human
33 Services, in accordance with the requirements of Title 22, chapters 250 and 251, and rules
34 issued under those chapters.

35 **6. Authority and duties of the Department of Health and Human Services.** The
36 Department of Health and Human Services has the authority and duties prescribed in Title
37 22, chapters 250 and 251 with respect to the control of notifiable diseases and conditions
38 and communicable or infectious diseases.

39 **Sec. 2. 20-A MRSA §6305**, as amended by PL 2019, c. 560, §2, is further amended
40 to read:

1 **§6305. Epinephrine ~~autoinjectors~~ automated devices; guidelines; emergency**
2 **administration**

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

5 A. "Collaborative practice agreement" means a written and signed agreement between
6 a physician licensed in this State or a school health advisor under section 6402-A and
7 a school nurse under section 6403-A that provides for the prescription of epinephrine
8 ~~autoinjectors~~ automated devices by the physician or school health advisor and
9 administration of epinephrine ~~autoinjectors~~ automated devices by a school nurse or
10 designated school personnel to students, school personnel or visitor during school or a
11 school-sponsored activity under emergency circumstances involving anaphylaxis.

12 B. "Designated school personnel" means those employees, agents or volunteers of a
13 school administrative unit or an approved private school designated by a collaborative
14 practice agreement between a physician licensed in this State or a school health advisor
15 under section 6402-A and a school nurse under section 6403-A who have completed
16 the training required by rule to provide or administer an epinephrine ~~autoinjector to a~~
17 student automated device.

18 C. "Epinephrine ~~autoinjector~~ automated device" means a single-use device used for
19 the automatic ~~injection~~ administration of a premeasured dose of epinephrine into a
20 human body ~~or another single-use epinephrine delivery system~~ approved by the federal
21 Food and Drug Administration for public use.

22 D. "School" means a public or approved private school.

23 **2. Collaborative practice agreement; adoption authorized.** A school administrative
24 unit or an approved private school may authorize adoption of a collaborative practice
25 agreement for the purposes of stocking and administering epinephrine ~~autoinjectors~~
26 automated devices as provided under this section. The administration of an epinephrine
27 ~~autoinjector~~ automated device in accordance with this section is not the practice of
28 medicine.

29 **3. Collaborative practice agreement; authority.** A collaborative practice agreement
30 permits a physician licensed in this State or school health advisor under section 6402-A to
31 prescribe an epinephrine ~~autoinjector~~ automated device and direct a school nurse under
32 section 6403-A to administer an epinephrine ~~autoinjector~~ automated device in good faith
33 to any student experiencing anaphylaxis during school or a school-sponsored activity.
34 Pursuant to a collaborative practice agreement, a physician licensed in this State or school
35 health advisor under section 6402-A may authorize the school nurse under section 6403-A
36 during school or a school-sponsored activity to designate other school personnel with
37 training required by rule to administer an epinephrine ~~autoinjector~~ automated device if the
38 school nurse is not present when a student experiences anaphylaxis.

39 **4. Collaborative practice agreement; terms and provisions.** A collaborative
40 practice agreement must include the following information:

41 A. Name and physical address of the school;

42 B. Identification and signatures of the physician or school health advisor under section
43 6402-A and school nurse under section 6403-A who are parties to the collaborative

1 practice agreement, the dates the agreement is signed by each party and the beginning
2 and end dates of the period of time within which the agreement is in effect; and

3 C. Any other information considered appropriate by the physician or school health
4 advisor under section 6402-A and school nurse under section 6403-A.

5 **5. Use of epinephrine ~~autoinjectors~~ automated devices without a collaborative**
6 **practice agreement.** The governing body of a school administrative unit or an approved
7 private school may authorize a school nurse under section 6403-A to train and designated
8 designate school personnel to administer an epinephrine ~~autoinjector~~ automated device to
9 a student in accordance with a prescription specific to the student on file with the school
10 nurse and in accordance with section 254, subsection 5. ~~The administration of an~~
11 ~~epinephrine autoinjector in accordance with this subsection is not the practice of medicine.~~

12 **6. Manufacturer or supplier arrangement.** A school administrative unit or an
13 approved private school may enter into an arrangement with a manufacturer of epinephrine
14 ~~autoinjectors~~ automated devices or a 3rd-party supplier of epinephrine ~~autoinjectors~~
15 automated devices to obtain epinephrine ~~autoinjectors~~ automated devices at fair market
16 prices or reduced prices or for free.

17 **7. Purchase from licensed pharmacies.** A collaborative practice agreement under
18 this section may provide that a school administrative unit or an approved private school
19 may purchase epinephrine ~~autoinjectors~~ automated devices from a pharmacy licensed in
20 this State.

21 **8. Guidelines.** By December 1, 2015 and as needed after that date, the department in
22 consultation with the Department of Health and Human Services shall develop and make
23 available to all schools guidelines for the management of students with life-threatening
24 allergies. The guidelines must include, but are not limited to:

25 A. Guidelines regarding education and training for school personnel on the
26 management of students with life-threatening allergies, including training related to the
27 administration of an epinephrine ~~autoinjector~~ automated device;

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

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

31 D. Protocols to prevent exposure to allergens.

32 **9. Plan.** By September 1, 2016 and as needed after that date, the governing body of a
33 school administrative unit or an approved private school shall:

34 A. Implement a protocol based on the guidelines developed pursuant to subsection 8
35 for the management of students with life-threatening allergies enrolled in the schools
36 under its jurisdiction; and

37 B. Make the protocol under paragraph A available on the governing body's publicly
38 accessible website or the publicly accessible website of each school under the
39 governing body's jurisdiction or, if those websites do not exist, make the protocol
40 publicly available through other means as determined by the governing body.

1 The governing body of the school administrative unit or the approved private school shall
2 annually attest to the department that the schools under its jurisdiction are implementing
3 the protocol in accordance with the provisions of this subsection.

4 **Sec. 3. 20-A MRSA §6401-B, sub-§3**, as enacted by PL 2011, c. 380, Pt. DD, §3,
5 is amended to read:

6 **3. Staff development.** Foster and promote staff development for school nurses by
7 planning and providing orientation, educational offerings and networking with universities
8 and other providers of continuing education to meet identified needs; ~~and~~

9 **Sec. 4. 20-A MRSA §6401-B, sub-§4**, as enacted by PL 2011, c. 380, Pt. DD, §3,
10 is amended to read:

11 **4. Standards.** Gather and analyze data relevant to the school health care program and
12 monitor standards to promote school nursing excellence and optimal health of school
13 children; and

14 **Sec. 5. 20-A MRSA §6401-B, sub-§5** is enacted to read:

15 **5. Guidance.** Manage the development and dissemination of school health guidelines
16 as they relate to the health and well-being of students and staff in schools.

17 **Sec. 6. 20-A MRSA §6403-A, sub-§1**, as enacted by PL 1985, c. 258, §4, is
18 amended to read:

19 **1. Duties.** The school nurse shall supervise and coordinate the health services and
20 health-related activities required by this Title in accordance with the most recent scope and
21 standards of school nursing practices and follow all applicable rules adopted by the State
22 Board of Nursing and laws under Title 32, chapter 31.

23 **Sec. 7. 20-A MRSA §6403-A, sub-§5**, as enacted by PL 1985, c. 258, §4, is
24 amended to read:

25 **5. Guidelines.** The commissioner shall issue guidelines on the provision of school
26 health services and health-related activities. Guidelines must be based on state and national
27 standards and updated at least every 3 years.

28 SUMMARY

29 This bill clarifies the duties of school personnel, superintendents and parents with
30 regard to reporting symptoms of communicable or infectious diseases. The bill also
31 clarifies that the duty for school nurses to supervise and coordinate health-related activities
32 must be carried out in accordance with the most recent school nursing practices and follow
33 all applicable rules adopted by the State Board of Nursing. The bill also requires the
34 guidelines on the provision of school health services and health-related activities to be
35 based on state and national standards and updated at least every 3 years. The bill also
36 updates the term "epinephrine autoinjector" to "epinephrine automated device."