

JAN 19 2018

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# A BILL FOR AN ACT

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RELATING TO STUDENT HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Section 302A-1164, Hawaii Revised Statutes, is  
2   amended to read as follows:

3       "**§302A-1164   Self-administration of medication by student**  
4   **and emergency administration; self-testing and self-management**  
5   **of diabetes by student; assistance with diabetes testing; blood**  
6   **glucose monitoring by student; assistance with blood glucose**  
7   **monitoring; permitted.**   (a)   The department shall permit:

8       (1)   The self-administration of:

9           (A)   Medication by a student for asthma, anaphylaxis,  
10                diabetes, or other potentially life-threatening  
11                illnesses; and

12           (B)   Blood glucose monitoring by a student; ~~[and]~~

13       (2)   ~~[Department employees and agents to volunteer]~~

✓ 14       Designated school personnel to administer:

15           (A)   Insulin or assist a student in administering  
16                insulin via the insulin delivery system that the  
17                student uses;



(B) Glucagon in an emergency situation to students with diabetes;

(C) Auto-injectable epinephrine, either in accordance with a prescription specific to the person receiving the epinephrine injection or in an emergency situation to students with anaphylaxis; or

(D) Blood glucose monitoring or assist a student with blood glucose monitoring[-]; and

(3) Designated school personnel to provide auto-injectable epinephrine to a student for self-administration in accordance with a prescription specific to the student on file with the school.

(b) The student's parent or guardian shall provide the department with:

(1) Written authorization for the self-administration of medication or the emergency administration of glucagon or auto-injectable epinephrine;

(2) In the case of self-administration of medication:

(A) Written certification from the student's physician, advanced practice registered nurse, or



1 physician assistant stating that the student with  
2 diabetes may perform the student's own blood  
3 glucose checks, administer insulin through the  
4 student's insulin delivery system, and otherwise  
5 attend to the care and management of the  
6 student's diabetes during any school-related  
7 activity, and that the student may possess on the  
8 student's person all necessary supplies and  
9 equipment to perform the diabetes monitoring and  
10 treatment activities, if applicable; and

11 (B) Written certification from the student's  
12 physician, advanced practice registered nurse, or  
13 physician assistant stating that the student:

14 (i) Has asthma, anaphylaxis, or another  
15 potentially life-threatening illness; and

16 (ii) Is capable of, and has been instructed in,  
17 the proper method of self-administration of  
18 medication or blood glucose monitoring; and

19 (3) In the case of administration of insulin or emergency  
20 administration of glucagon to a student with diabetes,  
21 blood glucose monitoring of a student, or auto-



1 injectable epinephrine to a student with anaphylaxis,  
2 written certification from the student's physician,  
3 advanced practice registered nurse, or physician  
4 assistant stating that the student has medical orders  
5 that insulin, glucagon, blood glucose monitoring, or  
6 auto-injectable epinephrine may be administered by a  
7 volunteer.

8 (c) The department shall inform the student's parent or  
9 guardian in writing that the department and its employees or  
10 agents shall not incur any liability as a result of any injury  
11 arising from compliance with this section.

12 (d) The student's parent or guardian shall sign a  
13 statement acknowledging that:

14 (1) The department and its employees or agents shall not  
15 incur any liability as a result of any injury arising  
16 from compliance with this section; and

17 (2) The parent or guardian shall indemnify and hold  
18 harmless the department and its employees or agents  
19 against any claims arising out of compliance with this  
20 section.



1           (e) The permission shall be effective for the school year  
2 for which it is granted and shall be renewed for each subsequent  
3 school year upon the fulfillment of the requirements in this  
4 section.

5           (f) Notwithstanding any other law to the contrary, a  
6 student who is permitted to self-administer medication under  
7 this section shall be permitted to carry an inhaler or  
8 auto-injectable epinephrine, or both, at all times if the  
9 student does not endanger the student's person or other persons  
10 through the misuse of the inhaler; provided that the department,  
11 its employees or agents may confiscate a student's medication,  
12 inhaler, or auto-injectable epinephrine if the student's  
13 self-administration of the medication exceeds the student's  
14 prescribed dosage, or if the student endangers others with the  
15 student's medication, inhaler, or auto-injectable epinephrine.

16           For the purposes of this section, the term "inhaler"  
17 includes:

- 18           (1) Metered-dose, breath-actuated, and dry powder  
19                inhalers; and  
20           (2) Spacers and holding chambers.



1           (g) ~~[Any employee or agent who volunteers to administer~~  
2 ~~insulin or glucagon in an emergency situation to a student with~~  
3 ~~diabetes or auto-injectable epinephrine to a student with~~  
4 ~~anaphylaxis or who volunteers to administer or assist a student~~  
5 ~~with blood glucose monitoring]~~ Designated school personnel shall  
6 [receive instruction in] complete an emergency health treatment  
7 training program prior to the administration of insulin,  
8 glucagon, auto-injectable epinephrine, or blood glucose  
9 monitoring. The training shall be conducted by a nationally  
10 recognized organization experienced in training laypersons in  
11 emergency health treatment or an entity or individual approved  
12 by the department of health. Training may be conducted online  
13 or in person and, at a minimum, shall cover:

14           (1) Techniques on how to recognize symptoms of diabetic  
15           emergencies, including hypoglycemia and diabetic  
16           ketoacidosis, and severe allergic reactions, including  
17           anaphylaxis;

18           (2) Standards and procedures for the proper administration  
19           of insulin, glucagon, auto-injectable epinephrine, or  
20           blood glucose monitoring [by a qualified health care  
21           professional. A "qualified health care professional"



1       ~~means a licensed physician, physician assistant,~~  
2       ~~advanced practice registered nurse or registered~~  
3       ~~nurse, or certified diabetes educator. The student's~~  
4       ~~parent or guardian shall supply the school with the~~  
5       ~~glucagon kit required to administer the glucagon, any~~  
6       ~~supplies necessary to administer insulin, blood~~  
7       ~~glucose monitoring, or with auto injectable~~  
8       ~~epinephrine supplies to administer epinephrine. The~~  
9       ~~school shall store the glucagon kit, insulin supplies,~~  
10      ~~blood glucose monitoring supplies, or auto injectable~~  
11      ~~epinephrine supplies in a secure but accessible~~  
12      ~~location.]; and~~

13      (3) Emergency follow-up procedures.

14      The entity that conducts the training shall issue a  
15      certificate, on a form developed or approved by the department  
16      of health, to each person who successfully completes the  
17      emergency health treatment training program.

18      (h) No later than December 31, 2018, the department, in  
19      consultation with the department of health, shall develop and  
20      make available to all schools guidelines for the management of



1 students with diabetes or life-threatening allergies. The  
2 guidelines shall include:

3 (1) Education and training for school personnel on the  
4 management of students with diabetes or life-  
5 threatening allergies, including training related to  
6 the administration of insulin, glucagon, and auto-  
7 injectable epinephrine;

8 (2) Procedures for responding to diabetes and life-  
9 threatening allergic reactions;

10 (3) A process for the development of individualized health  
11 care and emergency action plans for every student with  
12 diabetes or a known life-threatening allergy; and

13 (4) Protocols to prevent exposure to allergens.

14 (i) No later than \_\_\_\_\_, the board shall:

15 (1) Implement a plan based on the guidelines developed  
16 pursuant to subsection (h) for the management of  
17 students with diabetes or life-threatening allergies  
18 enrolled in department schools; and

19 (2) Make the plan available on the department's web site.

20 ~~[(h)] (j) Any person[, except for a qualified health care~~  
21 ~~professional providing the training required in subsection (g),]~~





1 or entity who acts in accordance with the requirements of this  
2 section shall be immune from any civil or criminal liability  
3 arising from these acts, except where the ~~[person's]~~ conduct  
4 would constitute gross negligence, wilful and wanton misconduct,  
5 or intentional misconduct. This section does not eliminate,  
6 limit, or reduce any other immunity or defense that may be  
7 available under state law, including that provided under section  
8 663-1.5.

9 (k) The parent or guardian of a student with diabetes or a  
10 life-threatening allergy shall supply the school with the  
11 glucagon kit required to administer the glucagon, any supplies  
12 necessary to administer insulin, blood glucose monitoring, or  
13 with auto-injectable epinephrine supplies to administer  
14 epinephrine. The school shall store the glucagon kit, insulin  
15 supplies, blood glucose monitoring supplies, or auto-injectable  
16 epinephrine supplies in a secure but accessible location.

17 (l) An authorized health care provider may prescribe auto-  
18 injectable epinephrine in the name of a school for use in  
19 accordance with this section. Pharmacists and authorized health  
20 care providers may dispense auto-injectable epinephrine pursuant  
21 to a prescription issued in the name of a school. A school may:



1        (1) Maintain a stock supply of auto-injectable epinephrine  
2        for use in accordance with this section; and

3        (2) Enter into arrangements with manufacturers of auto-  
4        injectable epinephrine or third-party suppliers of  
5        auto-injectable epinephrine to obtain auto-injectable  
6        epinephrine at fair-market, free, or reduced prices.

7        (m) A school that possesses and makes available a stock  
8        supply of auto-injectable epinephrine pursuant to this section  
9        shall submit to the department, on a form developed by the  
10       department, a report of each incident that involves a severe  
11       allergic reaction or the administration of auto-injectable  
12       epinephrine. The department shall annually publish a report  
13       that summarizes and analyzes all reports submitted to it  
14       pursuant to this subsection.

15       (n) As used in this section:

16       "Authorized health care provider" means an individual  
17       licensed by the State or authorized by the laws of the State to  
18       prescribe prescription drugs within the scope of the person's  
19       practice.

20       "Designated school personnel" means an employee, agent, or  
21       volunteer of a school principal who has completed the training



1 required under subsection (g) and who has been designated by the  
 2 school principal to provide or administer insulin, glucagon, and  
 3 auto-injectable epinephrine."

4 SECTION 2. Statutory material to be repealed is bracketed  
 5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.  
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# S.B. NO. 2388

**Report Title:**

Auto-injectable Epinephrine; DOE; Schools

**Description:**

Allows schools to stock auto-injectable epinephrine. Authorizes designated school personnel to provide epinephrine to student for self-administration. Requires training to designated school personnel in the administration of insulin, glucagon, and auto-injectable epinephrine.

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