

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Administration of emergency seizure rescue medication; training. (a) Beginning January 1, 2024, each school shall have at least one school employee on duty during the entire school day to administer or assist with:

(1) The self-administration of seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration; and

(2) A manual dose of prescribed electrical stimulation using a vagus nerve simulator magnet as approved by the United States Food and Drug Administration.

(b) The department shall ensure that all school employees assigned to administer or assist with the self-administration of seizure rescue medication, vagus nerve stimulator magnet, or any



1 other medication prescribed to treat seizure disorder symptoms
2 are either trained:

3 (1) Through a training program adopted by rule in
4 accordance with chapter 91 for the training of school
5 personnel in the health care needs of students
6 diagnosed with a seizure disorder; or

7 (2) By a physician, advanced practice registered nurse, or
8 physician assistant consistent with best practice
9 guidelines on seizure treatment and the recognition of
10 the signs and symptoms of seizures and the appropriate
11 steps for seizure first aid.

12 (c) Beginning January 1, 2024, and on an annual basis
13 thereafter, all principals, guidance counselors, and teachers
14 employed by the department shall complete at least one hour of
15 self-study review of seizure disorder materials developed by
16 medical professionals with expertise in seizure treatment and
17 consistent with best practice guidelines on the recognition of
18 the signs and symptoms of seizures and the appropriate steps for
19 seizure first aid.

20 (d) Beginning January 1, 2024, and on an annual basis
21 thereafter, each school shall provide an age appropriate seizure



1 education program to all students on seizures and seizure
2 disorders. The seizure education program shall be consistent
3 with guidelines published by the Epilepsy Foundation or any
4 successor organization.

5 (e) This section shall not apply to any school that does
6 not have at least one student enrolled who has either:

7 (1) A seizure disorder; or

8 (2) A seizure rescue medication or medication prescribed
9 to treat seizure disorder symptoms approved by the
10 United States Food and Drug Administration prescribed
11 by the student's health care provider."

12 SECTION 2. Chapter 302D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§302D- Administration of emergency seizure rescue**
16 **medication; training.** (a) Beginning January 1, 2024, each
17 public charter school shall have at least one school employee on
18 duty during the entire school day to administer or assist with:

19 (1) The self-administration of seizure rescue medication
20 or medication prescribed to treat seizure disorder



1 symptoms approved by the United States Food and Drug
2 Administration; and

3 (2) A manual dose of prescribed electrical stimulation
4 using a vagus nerve simulator magnet as approved by
5 the United States Food and Drug Administration.

6 (b) The public charter school shall ensure that all school
7 employees assigned to administer or assist with the self-
8 administration of seizure rescue medication, vagus nerve
9 stimulator magnet, or any other medication prescribed to treat
10 seizure disorder symptoms are trained by a physician, advanced
11 practice registered nurse, or physician assistant consistent
12 with best practice guidelines on seizure treatment and the
13 recognition of the signs and symptoms of seizures and the
14 appropriate steps for seizure first aid.

15 (c) Beginning January 1, 2024, and on an annual basis
16 thereafter, all principals, guidance counselors and teachers
17 employed by the public charter school shall complete at least
18 one hour of self-study review of seizure disorder materials
19 developed by medical professionals with expertise in seizure
20 treatment and consistent with best practice guidelines on the



1 recognition of the signs and symptoms of seizures and the
2 appropriate steps for seizure first aid.

3 (d) In the case of any student who is certified by the
4 student's physician, advanced practice registered nurse, or
5 physician assistant as having a seizure disorder, the public
6 charter school shall establish a seizure action plan for that
7 student, in conjunction with the student's parent or guardian,
8 that shall include but not be limited to the identification of
9 the employee or employees trained to assist the student in the
10 event of a seizure and the method by which the trained employee
11 or employees are contacted in the event of the seizure. The
12 seizure action plan shall be:

13 (1) Distributed to every school employee or volunteer
14 responsible for the supervision or care of the student
15 diagnosed with a seizure disorder; and

16 (2) Kept on file at the school at which the student is
17 enrolled.

18 (e) Beginning January 1, 2024, and on an annual basis
19 thereafter, each public charter school shall provide an age
20 appropriate seizure education program to all students on
21 seizures and seizure disorders. The seizure education program



1 shall be consistent with guidelines published by the Epilepsy
2 Foundation or any successor organization.

3 (f) This section shall not apply to any public charter
4 school that does not have at least one student enrolled who has
5 either:

6 (1) A seizure disorder; or

7 (2) A seizure rescue medication or medication prescribed
8 to treat seizure disorder symptoms approved by the
9 United States Food and Drug Administration prescribed
10 by the student's health care provider."

11 SECTION 3. Section 302A-1164, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§302A-1164 Self-administration of medication by student**
14 **and emergency administration; [~~self-testing and self-management~~**
15 **~~of diabetes by student; assistance with diabetes testing; blood~~**
16 **~~glucose monitoring by student; assistance with blood glucose~~**
17 **~~monitoring;]~~ permitted. (a) The department shall permit:**

18 (1) The self-administration of:

19 (A) Medication by a student for asthma, anaphylaxis,
20 diabetes, seizure disorders, or other potentially
21 life-threatening illnesses; and



- 1 (B) Blood glucose monitoring by a student; and
- 2 (2) Department employees and agents to volunteer to
- 3 administer:
- 4 (A) Insulin or assist a student in administering
- 5 insulin via the insulin delivery system that the
- 6 student uses;
- 7 (B) Glucagon in an emergency situation to students
- 8 with diabetes;
- 9 (C) Auto-injectable epinephrine in an emergency
- 10 situation to students with anaphylaxis; ~~[or]~~
- 11 (D) Seizure medication or vagus nerve stimulation in
- 12 an emergency situation to students with seizure
- 13 disorders; or
- 14 ~~[(D)]~~ (E) Blood glucose monitoring or assist a student
- 15 with blood glucose monitoring.
- 16 (b) The student's parent or guardian shall provide the
- 17 department with:
- 18 (1) Written authorization for the self-administration of
- 19 medication or the emergency administration of glucagon
- 20 ~~[or]~~, auto-injectable epinephrine, seizure
- 21 medications, or vagus nerve stimulation magnet;



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

(A) Written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student with diabetes may perform the student's own blood glucose checks, administer insulin through the student's insulin delivery system, and otherwise attend to the care and management of the student's diabetes during any school-related activity, and that the student may possess on the student's person all necessary supplies and equipment to perform the diabetes monitoring and treatment activities, if applicable; and

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

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



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

(3) In the case of administration of insulin or emergency
administration of glucagon to a student with diabetes,
blood glucose monitoring of a student, ~~[or]~~ auto-
injectable epinephrine to a student with anaphylaxis,
or administration of seizure medication or vagus nerve
stimulation to the student with a seizure disorder,
written certification from the student's physician,
advanced practice registered nurse, or physician
assistant stating that the student has medical orders
that insulin, glucagon, blood glucose monitoring, ~~[or]~~
auto-injectable epinephrine, seizure medication, or
vagus nerve stimulation may be administered by a
volunteer.

(c) In the case of any student who is certified by the
student's physician, advanced practice registered nurse, or
physician assistant as having a seizure disorder, the department
shall establish a seizure action plan for that student, in
conjunction with the student's parent or guardian, that shall



1 include but not be limited to the identification of the school
2 employee or employees trained to assist the student in the event
3 of a seizure and the method by which the trained employee or
4 employees are contacted in the event of the seizure.

5 The seizure action plan shall be:

6 (1) Distributed to every school employee or volunteer
7 responsible for the supervision or care of the student
8 diagnosed with a seizure disorder; and

9 (2) Kept on file at the school at which the student is
10 enrolled.

11 ~~[(e)]~~ (d) The department shall inform the student's parent
12 or guardian in writing that the department and its employees or
13 agents shall not incur any liability as a result of any injury
14 arising from compliance with this section.

15 ~~[(d)]~~ (e) The student's parent or guardian shall sign a
16 statement acknowledging that:

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

20 (2) The parent or guardian shall indemnify and hold
21 harmless the department and its employees or agents



1 against any claims arising out of compliance with this
2 section.

3 ~~[(e)]~~ (f) The permission shall be effective for the school
4 year for which it is granted and shall be renewed for each
5 subsequent school year upon the fulfillment of the requirements
6 in this section.

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

18 For the purposes of this section, the term "inhaler"
19 includes:

20 (1) Metered-dose, breath-actuated, and dry powder
21 inhalers; and



1 (2) Spacers and holding chambers.

2 [~~(g)~~] (h) Any employee or agent who volunteers to
3 administer insulin or glucagon in an emergency situation to a
4 student with diabetes [~~or~~], auto-injectable epinephrine to a
5 student with anaphylaxis, or seizure medication or vagus nerve
6 stimulation to a student with a seizure disorder, or who
7 volunteers to administer or assist a student with blood glucose
8 monitoring shall receive instruction in the proper
9 administration of insulin, glucagon, auto-injectable
10 epinephrine, seizure medication or vagus nerve stimulation, or
11 blood glucose monitoring by a qualified health care
12 professional. A "qualified health care professional" means a
13 licensed physician, physician assistant, advanced practice
14 registered nurse or registered nurse, or certified diabetes
15 educator. The student's parent or guardian shall supply the
16 school with the glucagon kit required to administer the
17 glucagon, any supplies necessary to administer insulin, blood
18 glucose monitoring, or with auto-injectable epinephrine supplies
19 to administer epinephrine. The school shall store the glucagon
20 kit, insulin supplies, blood glucose monitoring supplies,
21 seizure medication or vagus nerve stimulation magnet, or auto-



1 injectable epinephrine supplies in a secure but accessible
2 location.

3 ~~[(h)]~~ (i) Any person, except for a qualified health care
4 professional providing the training required in subsection
5 ~~[(g), r]~~ (h), who acts in accordance with the requirements of this
6 section shall be immune from any civil or criminal liability
7 arising from these acts, except where the person's conduct would
8 constitute gross negligence, wilful and wanton misconduct, or
9 intentional misconduct."

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2022-2023 to
13 train employees to administer or assist with the self-
14 administration of seizure rescue medication at each public
15 school and public charter school.

16 The sum appropriated shall be expended by the department of
17 education for the purposes of this Act.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

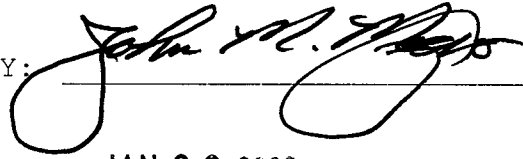
20 SECTION 6. This Act shall take effect upon its approval;
21 provided that section 4 shall take effect on July 1, 2022.



H.B. NO. 2482

1

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "John M. Flinn", is written over a horizontal line.

JAN 26 2022



H.B. NO. 2482

Report Title:

Education; Seizure Safe Schools; Seizure Disorder Rescue
Medication; School Employee Training; Appropriation

Description:

Requires public schools and public charter schools to have an employee trained to administer seizure disorder rescue medication. Exempts schools that do not have a student with a seizure disorder. Requires a seizure action plan for every diagnosed student and distribution of the plan to employees charged with supervising the student. Requires all principals, guidance counselors, and teachers to perform self-review of seizure disorder materials annually. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

