

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

4           "§302A- Administration of emergency seizure rescue  
5 medication; training. (a) Beginning January 1, 2023, each  
6 school shall have at least one school employee on duty during  
7 the entire school day to administer or assist with:

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

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

15           (b) The department shall ensure that all personnel  
16 assigned to administer or assist with the self-administration of  
17 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, 2023, 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 safety materials developed by  
16 medical professionals having 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, 2023, 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 (f) Any employee of the department shall not be held  
13 liable for any civil damages arising out of any act or omission  
14 relating to administering or assisting with the self-  
15 administration of seizure rescue medication, vagus nerve  
16 stimulator magnet, or any other medication prescribed to treat  
17 seizure disorder symptoms pursuant to this section."

18 SECTION 2. Chapter 302C, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:



1           "§302C- Administration of emergency seizure rescue  
2 medication; training. (a) Beginning January 1, 2023, each  
3 private school shall have at least one school employee on duty  
4 during the entire school day to administer or assist with:

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

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

12           (b) The private school shall ensure that all personnel  
13 assigned to administer or assist with the self-administration of  
14 seizure rescue medication, vagus nerve stimulator magnet, or any  
15 other medication prescribed to treat seizure disorder symptoms  
16 are either trained:

17           (1) Through a training program for the training of school  
18 personnel in the health care needs of students  
19 diagnosed with a seizure disorder; or

20           (2) By a physician, advanced practice registered nurse, or  
21 physician assistant consistent with best practice



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

4 (c) Beginning January 1, 2023, and on an annual basis  
5 thereafter, all principals, guidance counselors, and teachers  
6 employed by the private school shall complete at least one hour  
7 of self-study review of seizure safety materials developed by  
8 medical professionals having expertise in seizure treatment and  
9 consistent with best practice guidelines on the recognition of  
10 the signs and symptoms of seizures and the appropriate steps for  
11 seizure first aid.

12 (d) Beginning January 1, 2023, and on an annual basis  
13 thereafter, each private school shall provide an age appropriate  
14 seizure education program to all students on seizures and  
15 seizure disorders. The seizure education program shall be  
16 consistent with guidelines published by the Epilepsy Foundation  
17 or any successor organization.

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

20 (1) A seizure disorder; or



1       (2) A seizure rescue medication or medication prescribed  
2       to treat seizure disorder symptoms approved by the  
3       United States Food and Drug Administration prescribed  
4       by the student's health care provider.

5       (f) Any employee of the private school shall not be held  
6       liable for any civil damages arising out of any act or omission  
7       relating to administering or assisting 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 pursuant to this section."

11       SECTION 3. Chapter 302D, Hawaii Revised Statutes, is  
12       amended by adding a new section to be appropriately designated  
13       and to read as follows:

14       "§302D- Administration of emergency seizure rescue  
15       medication; training. (a) Beginning January 1, 2023, each  
16       public charter school shall have at least one school employee on  
17       duty during the entire school day to administer or assist with:

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



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

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

13        (c) Beginning January 1, 2023, and on an annual basis  
14 thereafter, all principals, guidance counselors, and teachers  
15 employed by a public charter school shall complete at least one  
16 hour of self-study review of seizure safety materials developed  
17 by medical professionals having expertise in seizure treatment  
18 and consistent with best practice guidelines on the recognition  
19 of the signs and symptoms of seizures and the appropriate steps  
20 for seizure first aid.



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

- 12        (1) Distributed to every school employee or volunteer  
13 responsible for the supervision or care of the student  
14 diagnosed with a seizure disorder; and  
15        (2) Kept on file at the school at which the student is  
16 enrolled.

17        (e) Beginning January 1, 2023, and on an annual basis  
18 thereafter, each public charter school shall provide an age  
19 appropriate seizure education program to all students on  
20 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 (g) Any employee of a public charter school shall not be  
12 held liable for any civil damages arising out of any act or  
13 omission relating to administering or assisting with the self-  
14 administration of seizure rescue medication, vagus nerve  
15 stimulator magnet, or any other medication prescribed to treat  
16 seizure disorder symptoms pursuant to this section."

17 SECTION 4. Section 302A-1164, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§302A-1164 Self-administration of medication by student  
20 and emergency administration; [~~self-testing and self-management~~  
21 ~~of diabetes by student; assistance with diabetes testing; blood~~



1 ~~glucose monitoring by student, assistance with blood glucose~~  
2 ~~monitoring,]~~ permitted. (a) The department shall permit:

3 (1) The self-administration of:

4 (A) Medication by a student for asthma, anaphylaxis,  
5 diabetes, seizure disorders, or other potentially  
6 life-threatening illnesses; and

7 (B) Blood glucose monitoring by a student; and

8 (2) Department employees and agents to volunteer to  
9 administer:

10 (A) Insulin or assist a student in administering  
11 insulin via the insulin delivery system that the  
12 student uses;

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

15 (C) Auto-injectable epinephrine in an emergency  
16 situation to students with anaphylaxis; ~~[or]~~

17 (D) Seizure medication or vagus nerve stimulation in  
18 emergency situations to students having seizure  
19 disorders; or

20 ~~[(D)]~~ (E) Blood glucose monitoring or assist a student  
21 with blood glucose monitoring.



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

3 (1) Written authorization for the self-administration of  
4 medication or the emergency administration of glucagon  
5 or auto-injectable epinephrine[~~7~~], seizure  
6 medications, or vagus nerve stimulator magnet;

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

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



- 1 (B) Written certification from the student's  
2 physician, advanced practice registered nurse, or  
3 physician assistant stating that the student:
- 4 (i) Has asthma, anaphylaxis, seizure disorder,  
5 or another potentially life-threatening  
6 illness; and
- 7 (ii) Is capable of, and has been instructed in,  
8 the proper method of self-administration of  
9 medication or blood glucose monitoring; and
- 10 (3) In the case of administration of insulin or emergency  
11 administration of glucagon to a student with diabetes,  
12 blood glucose monitoring of a student, ~~[or]~~ auto-  
13 injectable epinephrine to a student with anaphylaxis,  
14 or administration of seizure medicine or vagus nerve  
15 stimulation to the student having a seizure disorder,  
16 written certification from the student's physician,  
17 advanced practice registered nurse, or physician  
18 assistant stating that the student has medical orders  
19 that insulin, glucagon, blood glucose monitoring, ~~[or]~~  
20 auto-injectable epinephrine, seizure medication, or



1           vagus nerve stimulation may be administered by a  
2           volunteer.

3           (c) 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 department  
6 shall establish a seizure action plan for that student, in  
7 conjunction with the student's parent or guardian, that shall  
8 include but not be limited to the identification of the school  
9 employee or employees trained to assist the student in the event  
10 of a seizure and the method by which the trained employee or  
11 employees are to be contacted in the event of the seizure.

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



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

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

6           (2) The parent or guardian shall indemnify and hold  
7 harmless the department and its employees or agents  
8 against any claims arising out of compliance with this  
9 section.

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

14          ~~[(f)]~~ (g) Notwithstanding any other law to the contrary, a  
15 student who is permitted to self-administer medication under  
16 this section shall be permitted to carry an inhaler or  
17 auto-injectable epinephrine, or both, at all times if the  
18 student does not endanger the student's person or other persons  
19 through the misuse of the inhaler; provided that the department,  
20 its employees, or agents may confiscate a student's medication,  
21 inhaler, or auto-injectable epinephrine if the student's



1 self-administration of the medication exceeds the student's  
2 prescribed dosage, or if the student endangers others with the  
3 student's medication, inhaler, or auto-injectable epinephrine.

4 For the purposes of this section, the term "inhaler"  
5 includes:

- 6 (1) Metered-dose, breath-actuated, and dry powder  
7 inhalers; and
- 8 (2) Spacers and holding chambers.

9 [~~g~~] (h) Any employee or agent who volunteers to  
10 administer insulin or glucagon in an emergency situation to a  
11 student with diabetes [~~e~~], auto-injectable epinephrine to a  
12 student with anaphylaxis, or seizure medication or vagus nerve  
13 stimulation to a student having a seizure disorder, or who  
14 volunteers to administer or assist a student with blood glucose  
15 monitoring shall receive instruction in the proper  
16 administration of insulin, glucagon, auto-injectable  
17 epinephrine, seizure medication or vagus nerve stimulation, or  
18 blood glucose monitoring by a qualified health care  
19 professional. A "qualified health care professional" means a  
20 licensed physician, physician assistant, advanced practice  
21 registered nurse or registered nurse, or certified diabetes



1 educator. The student's parent or guardian shall supply the  
2 school with the glucagon kit required to administer the  
3 glucagon, any supplies necessary to administer insulin, blood  
4 glucose monitoring, or with auto-injectable epinephrine supplies  
5 to administer epinephrine. The school shall store the glucagon  
6 kit, insulin supplies, blood glucose monitoring supplies, or  
7 seizure medication or vagus nerve stimulator magnet, auto-  
8 injectable epinephrine supplies in a secure but accessible  
9 location.

10 [~~h~~] (i) Any person, except for a qualified health care  
11 professional providing the training required in subsection [~~g~~]  
12 (h), who acts in accordance with the requirements of this  
13 section shall be immune from any civil or criminal liability  
14 arising from these acts, except where the person's conduct would  
15 constitute gross negligence, wilful and wanton misconduct, or  
16 intentional misconduct."

17 SECTION 5. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so  
19 much thereof as may be necessary for fiscal year 2022-2023 to  
20 train employees to administer or assist with the self-



1 administration of seizure rescue medication at each public  
2 school and public charter school.

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

5 SECTION 6. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on July 1, 2022.

8

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a smaller, cursive signature.

# S.B. NO. 2071

**Report Title:**

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

**Description:**

Requires all principals, guidance counselors, and teachers to perform self-review of seizure safety materials annually. Requires a seizure action plan for every diagnosed student and distribution of the plan to employees charged with supervising the student. Requires public schools, private 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. Makes an appropriation.

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

