
A BILL FOR AN ACT

RELATING TO HEALTH.

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 seizure treatments; training.

(a) Beginning January 1, 2023, each school shall have at least one school employee on duty during the entire school day to administer or assist with the self-administration of:

(1) 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 stimulator magnet, as approved by the United States Food and Drug Administration.

(b) The department shall ensure that all personnel 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 pursuant to
4 chapter 91 for the training of school personnel in the
5 health care needs of students diagnosed with a seizure
6 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 and
11 prescribed by the student's health care provider.

12 (f) No employee of the department shall be held liable for
13 any civil damages arising out of any act or omission relating to
14 administering or assisting with the self-administration of
15 seizure rescue medication, vagus nerve stimulator magnet, or any
16 other medication prescribed to treat seizure disorder symptoms
17 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 seizure treatments; training.

2 (a) Beginning January 1, 2023, each private school shall have
3 at least one school employee on duty during the entire school
4 day to administer or assist with the self-administration of:

5 (1) Seizure rescue medication or medication prescribed to
6 treat seizure disorder symptoms approved by the United
7 States Food and Drug Administration; and

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

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

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

19 (2) By a physician, advanced practice registered nurse, or
20 physician assistant consistent with best practice
21 guidelines on seizure treatment and the recognition of



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

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

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

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

19 (1) A seizure disorder; or

20 (2) A seizure rescue medication or medication prescribed

21 to treat seizure disorder symptoms approved by the



1 United States Food and Drug Administration and
2 prescribed by the student's health care provider.

3 (f) No employee of the private school shall be held liable
4 for any civil damages arising out of any act or omission
5 relating to administering or assisting 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 pursuant to this section."

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

12 **"§302D- Administration of seizure treatments; training.**

13 (a) Beginning January 1, 2023, each public charter school shall
14 have at least one school employee on duty during the entire
15 school day to administer or assist with the self-administration
16 of:

17 (1) Seizure rescue medication or medication prescribed to
18 treat seizure disorder symptoms approved by the United
19 States Food and Drug Administration; and



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 each employee trained to
8 assist the student in the event of a seizure and the method by
9 which the trained employee is to be contacted in the event of
10 the seizure. The seizure action plan shall be:

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

14 (2) Kept on file at the school at which the student is
15 enrolled.

16 (e) Beginning January 1, 2023, and on an annual basis
17 thereafter, each public charter school shall provide an age
18 appropriate seizure education program to all students on
19 seizures and seizure disorders. The seizure education program
20 shall be consistent with guidelines published by the Epilepsy
21 Foundation or any successor organization.



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

4 (1) A seizure disorder; or

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

9 (g) No employee of a public charter school shall be held
10 liable for any civil damages arising out of any act or omission
11 relating to administering or assisting with the self-
12 administration of seizure rescue medication, vagus nerve
13 stimulator magnet, or any other medication prescribed to treat
14 seizure disorder symptoms pursuant to this section."

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

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



1 (1) The self-administration of:

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

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

6 (2) Department employees and agents to volunteer to
7 administer:

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

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

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

15 (D) Seizure medication or vagus nerve stimulation in
16 emergency situations to students with seizure
17 disorders; or

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

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



(1) Written authorization for the self-administration of medication or the emergency administration of glucagon or auto-injectable epinephrine[+], seizure medications, or vagus nerve stimulation;

(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:



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



1 physician assistant as having a seizure disorder, the department
2 shall establish a seizure action plan for that student, in
3 conjunction with the student's parent or guardian, that shall
4 include but not be limited to the identification of each school
5 employee trained to assist the student in the event of a seizure
6 and the method by which the trained employee is to be contacted
7 in the event of the seizure.

8 The seizure action plan shall be:

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

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

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



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

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

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

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



1 with the student's medication, inhaler, or auto-injectable
2 epinephrine.

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

5 (1) Metered-dose, breath-actuated, and dry powder
6 inhalers; and

7 (2) Spacers and holding chambers.

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



1 school with the glucagon kit required to administer the
2 glucagon, any supplies necessary to administer insulin, blood
3 glucose monitoring, seizure medications, vagus nerve stimulator
4 magnet, or with auto-injectable epinephrine supplies to
5 administer epinephrine. The school shall store the glucagon
6 kit, insulin supplies, blood glucose monitoring supplies,
7 seizure medications, vagus nerve stimulator magnet, or 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
12 ~~[(g)]~~, (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-
21 administration of seizure rescue medications, medications



1 prescribed to treat seizure disorders, and vagus nerve
2 stimulation at each public 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. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2022-2023 to
8 increase health assistant and nurse services in public charter
9 schools.

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

12 SECTION 7. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Beginning 1/1/2023, requires public schools, private schools, and public charter schools to have an employee trained to administer or assist with the self-administration of seizure disorder rescue medication; requires all principals, guidance counselors, and teachers to perform annual self-study reviews of seizure safety materials; requires a seizure action plan in public schools and public charter schools for every diagnosed student and distribution of the plan to employees and volunteers charged with supervising the student; and exempts schools that do not have a student with a seizure disorder. Appropriates funds. Effective 7/1/2050. (HD1)

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