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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that private schools in  
2 Hawaii are not required to have emergency protocols for  
3 anaphylaxis, thus leaving children and school personnel  
4 vulnerable in the event of an emergency allergic reaction event.  
5 The legislature also finds that anaphylaxis is a severe,  
6 potentially life-threatening allergic reaction that can occur  
7 within seconds or minutes of exposure to an allergen.  
8 Anaphylaxis requires immediate medical treatment, including an  
9 injection of epinephrine and a follow-up trip to an emergency  
10 room. Symptoms include skin rash, nausea, vomiting, difficulty  
11 breathing, and shock.

12           The legislature further finds that auto-injectable  
13 epinephrine can treat severe allergic reactions, including  
14 anaphylaxis, to insect bites or stings, medicines, food, or  
15 unknown substances. A quickly administered dose of auto-  
16 injectable epinephrine reverses the symptoms of anaphylaxis in



1 an emergency and can save an individual's life before the  
2 individual has access to professional medical care.

3 The purpose of this Act is to:

- 4 (1) Require private schools to develop and implement
- 5 action plans for anaphylaxis management; and
- 6 (2) Provide legal protections from liability for
- 7 designated volunteer employees and agents at private
- 8 schools who administer auto-injectable epinephrine
- 9 during emergency at their school.

10 SECTION 2. Chapter 302C, Hawaii Revised Statutes, is  
11 amended by adding two new sections to be appropriately  
12 designated and to read as follows:

13 **"§302C-A Anaphylaxis; private schools; comprehensive**  
14 **action plan.** (a) No later than \_\_\_\_\_, each private school  
15 in the State shall develop and implement a comprehensive action  
16 plan concerning anaphylaxis management in their respective  
17 school.

18 (b) The comprehensive action plan shall include:

- 19 (1) Information relating to the risks that cause
- 20 anaphylaxis, ways to avoid risks that cause



1           anaphylaxis, and signs and symptoms of a person  
2           experiencing anaphylaxis;

3           (2) Management of anaphylaxis at the school, including  
4           procedures for responding to anaphylaxis;

5           (3) The administering of auto-injectable epinephrine in  
6           emergencies, including where and how to access auto-  
7           injectable epinephrine at the school;

8           (4) Training of private school employees or agents in the  
9           administration of auto-injectable epinephrine; and

10          (5) Medical and emergency care after auto-injectable  
11          epinephrine is administered.

12          (c) Each private school shall designate one or more school  
13          employees or agents to administer auto-injectable epinephrine in  
14          emergencies at their school.

15          §302C-B Administration of auto-injectable epinephrine;  
16          designated private school employees and agents; liability. (a)  
17          A private school and its designated employees or agents shall  
18          not incur any liability as a result of any injury arising from  
19          compliance with section 302C-A(c).



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1        (b) A parent or guardian shall indemnify and hold harmless  
2 a private school and its school employees or agents against any  
3 claims arising out of compliance with section 302C-A(c).

4        (c) Section 302C-A(c) does not eliminate, limit, or reduce  
5 any other immunity or defense that may be available under state  
6 law, including that provided under section 663-1.5."

7        SECTION 3. New statutory material is underscored.

8        SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Nicole E. Loven*

JAN 18 2023



# H.B. NO. 183

**Report Title:**

Private Schools; Anaphylaxis Management; Auto-Injectable Epinephrine; Comprehensive Action Plans; Designated School Employee and Agents; Immunity from Liability

**Description:**

Requires all private schools to develop and implement comprehensive action plans for the management of anaphylaxis in their respective schools, including administration of auto-injectable epinephrine. Establishes certain immunity from liability for designated private school employees and agents who administer auto-injectable epinephrine during emergencies.

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