
A BILL FOR AN ACT

RELATING TO STUDENT HEALTH.

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

1 SECTION 1. The legislature finds that while state policies
2 regarding the storage and administration of epinephrine are
3 established and implemented, ambiguity remains regarding the
4 authority of schools and school personnel to store and
5 administer over-the-counter oral antihistamines as part of an
6 allergy response protocol.

7 The purpose of this Act is to ensure that students with
8 documented allergies receive timely, physician-directed care
9 while under the care of the department of education by
10 clarifying the authority of and establishing clear procedures
11 for schools and school personnel to store and administer over-
12 the-counter oral antihistamines.

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

16 "§302A- Over-the-counter oral antihistamines; stock
17 supply; administration. (a) Each school may maintain a stock



1 supply of or otherwise store over-the-counter oral
2 antihistamines in a secure but accessible location consistent
3 with emergency response best practices, to be administered by
4 school personnel to any student as needed, subject to the
5 conditions of subsection (b) .

6 (b) School personnel may administer an over-the-counter
7 oral antihistamine to a student; provided that:

8 (1) The over-the-counter oral antihistamine is prescribed
9 or recommended otherwise approved by the student's
10 licensed physician or authorized health care provider;
11 (2) The student has a current allergy response protocol on
12 file with the school; and
13 (3) The parent or guardian of the student has provided
14 written consent for the over-the-counter oral
15 antihistamine's storage and administration.

16 (c) The department shall ensure that all personnel
17 assigned to administer over-the-counter oral antihistamine
18 pursuant to this section are trained through a training program
19 adopted by rule in accordance with chapter 91 for the training
20 of school personnel in the health care needs of students who



1 require the use of antihistamines; provided that the training
2 shall include:

3 (1) Recognizing signs and symptoms of allergic reactions;
4 (2) Proper administration of over-the-counter oral
5 antihistamines;
6 (3) Emergency procedures, including when to activate
7 emergency medical services; and
8 (4) Any documentation requirements as determined by the
9 department.

10 (d) Any school or school personnel who acts in accordance
11 with the requirements of this section shall be immune from any
12 civil liability arising from these acts, except where the
13 conduct of the school or person would constitute gross
14 negligence, wilful and wanton misconduct, or intentional
15 misconduct. The department shall inform the student's parent or
16 guardian in writing that the department and its employees or
17 agents shall not incur any liability as a result of any injury
18 arising from compliance with this section.

19 (e) The department shall adopt rules under chapter 91
20 necessary to carry out the purposes of this section, including
21 to develop standardized forms to receive consent for the



1 administration of over-the-counter oral antihistamines and
2 allergy response protocols.

3 (f) For the purposes of this section:

4 "Allergy response protocol" means a written medical plan
5 developed by a licensed physician or other authorized health
6 care provider that outlines prescribed steps for responding to a
7 student's allergic reaction, including the use of over-the-
8 counter oral antihistamines.

9 "Over-the-counter oral antihistamine" means any
10 antihistamine medication approved by the United States Food and
11 Drug Administration for oral use that can be obtained without a
12 prescription.

13 "School personnel" means any employee of the school or
14 school district who has completed the required training under
15 this section."

16 SECTION 3. New statutory material is underscored.

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

18

INTRODUCED BY:



JAN 20 2026



H.B. NO. 1717

Report Title:

Department of Education; Over-the-counter Oral Antihistamines; Stock Supply; Administration

Description:

Authorizes a school to maintain a stock supply of over-the-counter oral antihistamines to be administered under certain conditions. Authorizes school personnel to administer the over-the-counter oral antihistamine medication, under certain conditions.

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

