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## A BILL FOR AN ACT

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RELATING TO EMERGENCY MEDICATION IN SCHOOLS.

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

1 SECTION 1. The legislature finds that asthma is a leading  
2 chronic condition in school-aged children, affecting  
3 approximately ten per cent of school-aged children in the United  
4 States and afflicting Native Hawaiian children at a  
5 higher-than-average rate in the State. Additionally, food  
6 allergies and anaphylaxis are increasing in prevalence. As many  
7 as one-quarter of school-aged children in the United States are  
8 impacted by allergies, while more than forty per cent of  
9 children with food allergies suffer a severe allergic reaction  
10 before turning eighteen-years-old. Furthermore, an estimated  
11 460,000 school-aged children in the United States have epilepsy  
12 or other seizure disorders, representing approximately 0.6 per  
13 cent of the student population.

14 The legislature therefore finds that access to emergency  
15 medications for students with chronic health conditions is  
16 essential to school safety and equity in student success.  
17 Epinephrine is the first-line, life-saving treatment for



1 anaphylaxis and must be administered immediately upon  
2 recognition of symptoms. Delays in administration can result in  
3 severe complications or death. Similarly, timely administration  
4 of asthma rescue medications can prevent respiratory distress  
5 from escalating to a life-threatening emergency, and seizure  
6 rescue medications administered within appropriate timeframes  
7 can prevent status epilepticus, a prolonged seizure state that  
8 can cause permanent neurological damage or death. As these  
9 medical emergencies may occur in the classroom, cafeteria, or  
10 playground, rapid response school personnel properly trained and  
11 authorized to administer emergency medications serve a critical  
12 role in protecting student health and safety.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Establish provisions for emergency medication administration by trained school personnel separately from regulations for student self-administration of medications;
- 18 (2) Update the terminology for anaphylaxis emergency rescue medication to encompass epinephrine in all forms approved by the United States Food and Drug Administration, including but not limited to



1                   auto-injectors, pre-filled syringes, and nasal sprays,  
2                   ensuring that new technologies and easy-to-use devices  
3                   are included by applicable state laws;

4                   (3) Expand the scope of covered emergency medications to  
5                   include asthma rescue inhalers and seizure rescue  
6                   medications, recognizing that these interventions are  
7                   medically necessary, life-saving, and appropriate for  
8                   administration by trained school personnel in  
9                   emergency situations; and

10                  (4) Extend liability protections for public schools,  
11                  school personnel, and medical providers acting in good  
12                  faith to save lives, while maintaining essential  
13                  safeguards including requirements for parent or  
14                  guardian authorization, prescriptions from licensed  
15                  medical practitioners, and training by qualified  
16                  health care providers.

17                  SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
18                  amended by adding a new section to subpart F of part III to be  
19                  appropriately designated and to read as follows:

20                  "§302A-      Emergency administration of medication by  
21                  volunteer; assistance with diabetes testing, blood glucose



1 monitoring, and inhalers; permitted. (a) Employees and agents  
2 of a public school, including school health assistants, who  
3 volunteer, may administer epinephrine, glucagon, seizure rescue  
4 medication, and inhalers to a student in emergency situations;  
5 provided that the administration of medication meets the  
6 requirements of this section.

7 (b) Employees and agents of a public school who volunteer  
8 may administer:

9 (1) Insulin or assist a student in administering insulin  
10 via the insulin delivery system that the student uses;  
11 and  
12 (2) Blood glucose monitoring or assist a student with  
13 blood glucose monitoring;  
14 provided that the administration of insulin or blood glucose  
15 monitoring meets the requirements of this section.

16 (c) In the case of the administration of emergency  
17 medication prescribed to a specific student, including  
18 epinephrine, glucagon, seizure rescue medication, and inhalers:  
19 (1) The student's parent or guardian shall provide the  
20 public school with:



1                   (A) A written request and authorization from the  
2                   parent or guardian for the administration of the  
3                   medication;

4                   (B) Written medical orders for the medication from  
5                   the student's physician, advanced practice  
6                   registered nurse, physician assistant, or other  
7                   practitioner with prescriptive authority; and

8                   (C) The supply of medication prescribed to the  
9                   student and any necessary devices or inhalers as  
10                   required for the requested emergency medication  
11                   administration;

12                   (2) The permission shall be effective for the school year  
13                   for which the permission is granted and shall be  
14                   renewed for each subsequent school year upon the  
15                   fulfillment of the requirements pursuant to this  
16                   section;

17                   (3) The public school may store the student's medication  
18                   and related supplies in a secure but accessible  
19                   location; and

20                   (4) Any employee or agent who volunteers to administer the  
21                   medication shall receive instruction in the proper



1                   administration of epinephrine, glucagon, seizure  
2                   rescue medication, or inhalers by a licensed  
3                   physician, physician assistant, registered nurse,  
4                   advanced practice registered nurse, or other qualified  
5                   licensed health care professional.

6                   (d)    In the case of the administration of, or assistance in  
7                   the administration of, insulin or blood glucose monitoring to a  
8                   student:

9                   (1)    The student's parent or guardian shall provide the  
10                   public school with:

11                   (A)    A written request and authorization from the  
12                   parent or guardian for the administration of  
13                   insulin or blood glucose monitoring;

14                   (B)    Written medical orders for the administration of  
15                   insulin or blood glucose monitoring from the  
16                   student's physician, advanced practice registered  
17                   nurse, physician assistant, or other practitioner  
18                   with prescriptive authority; and

19                   (C)    The supply of insulin prescribed to the student  
20                   and any supplies necessary to administer insulin



11 (4) Any employee or agent who volunteers to administer  
12 insulin or blood glucose monitoring shall receive  
13 instruction in the proper administration of insulin or  
14 blood glucose monitoring by a licensed physician,  
15 physician assistant, registered nurse, advanced  
16 practice registered nurse, or certified diabetes  
17 educator.

18                   (e) The department shall permit its employees and agents  
19                   to volunteer to administer:



1                   (2) Glucagon in an emergency situation to students with  
2                   diabetes;  
3                   (3) Epinephrine in an emergency situation to students with  
4                   anaphylaxis;  
5                   (4) Blood glucose monitoring, or assist a student with  
6                   blood glucose monitoring;  
7                   (5) Seizure rescue medication in an emergency situation to  
8                   students with epilepsy or other seizure disorders; or  
9                   (6) An inhaler in an emergency situation to students with  
10                   asthma or other chronic lung diseases.  
11                   (f) The department or public school shall inform the  
12                   student's parent or guardian in writing that the department or  
13                   public school and its employees and agents shall not incur any  
14                   liability as a result of any injury arising from compliance with  
15                   this section.  
16                   (g) The student's parent or guardian shall sign a  
17                   statement acknowledging that:  
18                   (1) The department or public school and its employees and  
19                   agents shall not incur any liability as a result of  
20                   any injury arising from compliance with this section;  
21                   and



5       (h) Any public school or person, including the health  
6 professionals providing training to persons who volunteer  
7 subject to this section, the prescribing physician, physician  
8 assistant, advanced practice registered nurse, or other  
9 practitioner with prescriptive authority, and the pharmacist or  
10 pharmacy dispensing the prescription, who acts in accordance  
11 with the requirements of this section, shall be immune from any  
12 civil or criminal liability arising from these acts, except  
13 where the person's conduct would constitute gross negligence,  
14 wilful and wanton misconduct, or intentional misconduct.



1       dose of albuterol or albuterol sulfate delivered by a nebulizer  
2       (compressor device) or by a metered dose inhaler used to treat  
3       respiratory distress, including wheezing, shortness of breath,  
4       and difficulty breathing, or another dosage of a bronchodilator  
5       recommended in the guidelines for the treatment of asthma.

6       "Epinephrine" includes any device available by prescription  
7       that is designed to deliver a premeasured dose of epinephrine,  
8       including auto-injection devices, nasal spray devices, or oral  
9       formulation.

10       "Glucagon" includes any device available by prescription  
11       that is designed to deliver a premeasured dose of glucagon or  
12       dasiglucagon, including injection kits, auto-injection devices,  
13       or nasal spray devices.

14       "Inhaler" includes:

15       (1)   Metered-dose, breath-actuated, and dry powder  
16       inhalers;  
17       (2)   Spacers and holding chambers; and  
18       (3)   Bronchodilators.

19       "Seizure rescue medication" includes any medication or  
20       device prescribed for use in an emergency situation to stop a



1 seizure or prevent a seizure from becoming more severe, which is  
2 delivered as a premeasured dose."

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

5 **"§302A-1164 Self-administration of medication by student**  
6 **[and emergency administration]; self-testing and self-management**  
7 **of diabetes by student; [assistance with diabetes testing;]**  
8 **blood glucose monitoring by student; [assistance with blood**  
9 **glucose monitoring;] permitted.** (a) The department shall  
10 permit [÷

11 (1) The] the self-administration of[÷  
12 (A) Medication] medication by a student for asthma,  
13 anaphylaxis, diabetes, or other potentially  
14 life-threatening illnesses[÷] and  
15 [(B) Blood] blood glucose monitoring by a student[÷  
16 and

17 (2) Department employees and agents to volunteer to  
18 administer:  
19 (A) Insulin or assist a student in administering  
20 insulin via the insulin delivery system that the  
21 student uses;



1                   (B) ~~Glucagon in an emergency situation to students~~  
2                   ~~with diabetes;~~  
3                   (C) ~~Auto-injectable epinephrine in an emergency~~  
4                   ~~situation to students with anaphylaxis; or~~  
5                   (D) ~~Blood glucose monitoring or assist a student with~~  
6                   ~~blood glucose monitoring].~~

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

9                   (1) Written authorization from the parent or guardian for  
10                   the self-administration of medication [~~or the~~  
11                   ~~emergency administration of glucagon or auto-~~  
12                   ~~injectable epinephrine;~~] by the student;  
13                   (2) In the case of self-administration of medication [~~+~~  
14                   (A) ~~Written~~] or blood glucose monitoring by a student  
15                   with diabetes, written certification from the  
16                   student's physician, advanced practice registered  
17                   nurse, [~~or~~] physician assistant, or other  
18                   qualified health care provider stating that the  
19                   student with diabetes may perform the student's  
20                   own blood glucose checks, administer insulin  
21                   through the student's insulin delivery system,



1 and otherwise attend to the care and management  
2 of the student's diabetes during any  
3 school-related activity, and that the student may  
4 possess on the student's person all necessary  
5 supplies and equipment to perform the diabetes  
6 monitoring and treatment activities, if  
7 applicable; and

8 [+(B)] (3) Written certification from the student's  
9 physician, advanced practice registered nurse, [or]  
10 physician assistant, or other qualified health care  
11 provider stating that the student:

12 [+(i)] (A) Has asthma, anaphylaxis, diabetes, or  
13 another potentially life-threatening illness; and  
14 [+(ii)] (B) Is capable of, and has been instructed  
15 in, the proper method of self-administration of  
16 medication or blood glucose monitoring[+ and

17 (3) ~~In the case of administration of insulin or emergency~~  
18 ~~administration of glucagon to a student with diabetes,~~  
19 ~~blood glucose monitoring of a student, or auto-~~  
20 ~~injectable epinephrine to a student with anaphylaxis,~~  
21 ~~written certification from the student's physician,~~



1                   ~~advanced practice registered nurse, or physician~~  
2                   ~~assistant stating that the student has medical orders~~  
3                   ~~that insulin, glucagon, blood glucose monitoring, or~~  
4                   ~~auto-injectable epinephrine may be administered by a~~  
5                   ~~volunteer~~].

6                   (c) The department shall inform the student's parent or  
7                   guardian in writing that the department and its employees or  
8                   agents shall not incur any liability as a result of any injury  
9                   arising from compliance with this section.

10                  (d) The student's parent or guardian shall sign a  
11                  statement acknowledging that:

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

15                  (2) The parent or guardian shall indemnify and hold  
16                  harmless the department and its employees or agents  
17                  against any claims arising out of compliance with this  
18                  section.

19                  (e) The permission shall be effective for the school year  
20                  for which it is granted and shall be renewed for each subsequent



1 school year upon the fulfillment of the requirements in this  
2 section.

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

17 ~~[For the purposes of this section, the term "inhaler"~~  
18 includes:

19 (1) ~~Metered dose, breath-actuated, and dry powder~~  
20 ~~inhalers;~~ and  
21 ~~(2) Spacers and holding chambers.~~



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

19                   (h)] (g) Any person[, except for a qualified health care  
20 professional providing the training required in subsection (g),]  
21 who acts in accordance with the requirements of this section



1 shall be immune from any civil or criminal liability arising  
2 from these acts, except where the person's conduct would  
3 constitute gross negligence, wilful and wanton misconduct, or  
4 intentional misconduct."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

8

INTRODUCED BY:



# S.B. NO. 2610

**Report Title:**

Department of Education; Public Schools; Emergency Medication Administration and Assistance; Protocol; Blood Glucose Monitoring; Diabetes Testing; Seizure Rescue Medication; Inhalers; School Health Assistants; Prescriptions; Indemnification

**Description:**

Establishes provisions regarding the volunteered administration of certain medications by authorized persons at public schools, including requirements for parent authorization, administration instruction, and liability protections. Expands permitted emergency treatments to include epinephrine, inhalers, seizure rescue medication, glucagon, insulin, and blood-glucose monitoring.

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

