

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 2011

4
5 By: Representative Bell
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For An Act To Be Entitled

8 AN ACT TO A ALLOW SCHOOL NURSE TO ADMINISTER AUTO-
9 INJECTABLE EPINEPHRINE TO A PUBLIC SCHOOL STUDENT
10 UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

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13 TO ALLOW A SCHOOL NURSE TO ADMINISTER
14 AUTO-INJECTABLE EPINEPHRINE TO A PUBLIC
15 SCHOOL STUDENT UNDER CERTAIN
16 CIRCUMSTANCES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 6-18-707, concerning prescription asthma
23 inhaler or auto-injectable epinephrine, is amended to add an additional
24 subsection to read as follows:

25 (e)(1) A school district or public charter school may authorize a
26 school nurse to:

27 (A) Provide an epinephrine auto-injector to a student that
28 meets the prescription on file or any personnel authorized under a student's
29 individualized health care plan to administer an epinephrine auto-injector to
30 the student ;

31 (B) Administer an epinephrine auto-injector that meets the
32 prescription on file to a student who has an individualized health care plan
33 that authorizes the use of an epinephrine auto-injector; and

34 (C) Administer an epinephrine auto-injector to a student
35 who the school nurse in good faith professionally believes is having an
36 anaphylactic reaction.



1 (2) A school nurse shall administer an epinephrine auto-injector
 2 under a standing protocol from a physician licensed to practice medicine in
 3 this state.

4 (3) A school nurse that receives a supply of epinephrine auto-
 5 injectors under § 20-13-405 for use at a public school shall maintain the
 6 supply of epinephrine auto-injectors at the school in a locked, secure
 7 location.

8 (4)(A) Regardless of whether or not a student's parents have
 9 signed a waiver of liability, when a school nurse administers an epinephrine
 10 auto-injector to a student who the school nurse in good faith professionally
 11 believes is having an anaphylactic reaction, the following persons are immune
 12 from any damage, loss, or liability as a result of an injury arising from the
 13 use of an epinephrine auto-injector:

14 (i) The school district or public charter school and
 15 its employees and agents; and

16 (ii) A physician providing standing protocol or
 17 prescription for epinephrine auto-injectors maintained at a school.

18 (B) This subdivision (e)(4) does not provide immunity from
 19 suit or liability for any damage, loss, injury, or liability caused by the
 20 intentional or willful and wanton misconduct of a person in administering an
 21 epinephrine auto-injector to a student under this section.

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 23 SECTION 2. Arkansas Code § 20-13-404(2), concerning persons who may
 24 receive a certificate under the Insect Sting, and Other Allergic Reactions
 25 Emergency Treatment Act, § 20-13-401 et seq., is amended to read as follows:

26 (2) Have, or reasonably expect to have, responsibility for at least
 27 one (1) other person as a result of one's relationship or occupational or
 28 volunteer status, ~~for example, such as~~ such as parents, camp counselors, scout
 29 leaders, ~~schoolteachers~~ school nurses, public school teachers, forest
 30 rangers, tour guides, or chaperones; and