

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/8/13

A Bill

SENATE BILL 1173

5 By: Senator Rapert
6

7 For An Act To Be Entitled

8 *AN ACT CONCERNING THE ADMINISTRATION OF EPINEPHRINE*
9 *BY SCHOOL PERSONNEL TO CHILDREN EXPERIENCING A LIFE-*
10 *THREATENING ANAPHYLACTIC REACTION DUE TO FOOD*
11 *ALLERGIES; AND FOR OTHER PURPOSES.*
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14 Subtitle

15 *CONCERNING THE ADMINISTRATION OF*
16 *EPINEPHRINE BY SCHOOL PERSONNEL TO*
17 *CHILDREN EXPERIENCING A LIFE-THREATENING*
18 *ANAPHYLACTIC REACTION DUE TO FOOD*
19 *ALLERGIES.*
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code § 6-18-707, concerning prescription asthma*
25 *inhaler or auto-injectable epinephrine, is amended to add additional*
26 *subsections to read as follows:*

27 *(e) Beginning January 1, 2014, a school district in this state shall:*

28 *(1) Adopt and implement policies for the possession and*
29 *administration of epinephrine in each school within the district; and*

30 *(2) Develop a health plan to implement a certificate from a*
31 *licensed physician under subsection (g) of this section.*

32 *(f) Epinephrine shall be administered:*

33 *(1)(A) By a school nurse; or*

34 *(B) By a school district employee who holds a certificate*
35 *under subsection (g) of this section, is trained in the administration of*
36 *epinephrine and is designated as a care provider; and*



1 (2) To a student believed to be having a life-threatening
2 anaphylactic reaction.

3 (g)(1) A licensed physician shall issue a certificate under the Insect
4 Sting and Other Allergic Reactions Emergency Treatment Act, § 20-13-401 et
5 seq., authorizing a school nurse or a school district employee who is trained
6 in the administration of epinephrine to possess and administer epinephrine.

7 (2) The certificate shall specify that specifies the
8 circumstances under which epinephrine may be administered.

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10 SECTION 2. Arkansas Code § 17-87-103, concerning exceptions to the
11 nurse practice act, is amended to add an additional subdivision to read as
12 follows:

13 (13)(A) The administration of epinephrine to a child or student
14 believed to be exhibiting an anaphylactic reaction by a school district
15 employee designated as a care provider in a plan developed under Section 504
16 of the Rehabilitation Act of 1973, 29 U.S.C § 701 et seq., or the Individuals
17 with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as each existed on
18 January 1, 2013, who has been trained by a licensed nurse employed by a
19 school district or other healthcare professional to administer epinephrine to
20 a child or student believed to be having an anaphylactic reaction.

21 (B) A school or school district shall obtain a certificate
22 from a licensed physician:

23 (i) Authorizing a school nurse or a school district
24 employee who is authorized and trained in the administration of epinephrine
25 to possess and administer epinephrine; and

26 (ii) Specifying the circumstances under which
27 epinephrine may be administered.

28 (C)(i) A licensed nurse employed by a school district or
29 other healthcare professional shall train annually school district employees
30 designated as care providers in a plan developed under Section 504 of the
31 Rehabilitation Act of 1973, 29 U.S.C § 701 et seq., or the Individuals with
32 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as each existed on
33 January 1, 2013, to administer epinephrine to a child or student believed to
34 be having an anaphylactic reaction.

35 (ii)(a) In a life-threatening emergency, a school
36 nurse or a school district employee designated as a care provider may

1 administer epinephrine to a child or student if it is believed that the child
2 or student's life is threatened.

3 (b) However, a school district shall not
4 administer epinephrine to a child or student if the parent or guardian of the
5 child or student provides written notice with the school district that
6 prohibits the administration of epinephrine to the child or student by the
7 school nurse or a school district employee designated as a care provider.

8 (iii) The school district shall maintain:

9 (a) A copy of the plan developed under Section
10 504 of the Rehabilitation Act of 1973, 29 U.S.C § 701 et seq., or the
11 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as
12 each existed on January 1, 2013;

13 (b) A list of volunteer school personnel who
14 are designated as care providers and trained to administer epinephrine; and

15 (c) A copy of the written notice of a parent
16 or guardian prohibiting the administration of epinephrine to a child or
17 student even in a life-threatening emergency.

18 (D) A school district, school district employee, or an
19 agent of a school district, including a healthcare professional who trains
20 school district employees designated as care providers, is not liable for
21 injury to a student caused by his or her actions or inactions under this
22 section.

23 (E) The Arkansas State Board of Nursing and the State
24 Board of Education shall promulgate rules necessary to administer this
25 subdivision (13).

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27 /s/Rapert
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