

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

*As Engrossed: S3/11/13 S3/19/13*

# A Bill

SENATE BILL 228

5 By: Senator Elliott  
6 *By: Representative H. Wilkins*  
7

## For An Act To Be Entitled

9 AN ACT TO PROTECT THE HEALTH AND SAFETY OF PUBLIC  
10 SCHOOL STUDENTS WITH DIABETES BY PROVIDING FOR  
11 CERTAIN SCHOOL PERSONNEL TO BE TRAINED IN THE  
12 ADMINISTRATION OF GLUCAGON; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 TO PROTECT THE HEALTH AND SAFETY OF  
16 PUBLIC SCHOOL STUDENTS WITH DIABETES BY  
17 PROVIDING FOR CERTAIN SCHOOL PERSONNEL TO  
18 BE TRAINED IN THE ADMINISTRATION OF  
19 GLUCAGON.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended  
26 to add an additional section to read as follows:

27 6-18-709. Students with diabetes – Self-treatment.

28 (a) Upon written request of a parent or guardian of a student with  
29 diabetes and authorization by the student’s treating physician, a student  
30 with diabetes may:

31 (1) Perform blood glucose checks, administer insulin through the  
32 insulin delivery system the student uses, treat hypoglycemia and  
33 hyperglycemia, and otherwise attend to the care and management of his or her  
34 diabetes in the classroom, in another area of the school or school grounds,  
35 and at any school-related activity; and

36 (2) Possess on his or her person necessary supplies and



1 equipment to perform monitoring and treatment functions.

2 (b) If a parent of a student with diabetes or student with diabetes so  
 3 requests, the student shall have access to a private area for performing  
 4 diabetes care tasks.

5 (c)(1) The parent or guardian of a student with diabetes who wishes  
 6 school personnel to administer insulin or assist with the administration of  
 7 insulin shall submit to the school an order signed by a licensed physician  
 8 specifying the circumstances under which insulin shall be administered.

9 (2) A physician's order under subdivision (c)(1) of this section  
 10 shall include the timing and dosage of the administration of insulin.

11 (d) Upon receipt of a physician's order under subdivision (c)(1) of  
 12 this section, the school shall review and implement the order in accordance  
 13 with district policies relating to the storage and recordkeeping that are not  
 14 inconsistent with this section.

15 (e) A school or school district may develop a health plan to implement  
 16 physicians' orders under subdivision (c)(1) of this section.

17 (f) A school shall not require or pressure parents or guardians to  
 18 provide diabetes care at school or school-related activities for a student  
 19 with diabetes.

20  
 21 SECTION 2. Arkansas Code § 17-87-103(11), concerning exceptions to the  
 22 nurse practice act, is amended to read as follows:

23 (11)(A) The administration of insulin, or glucagon, or both to a  
 24 ~~student who is suffering from~~ with type 1 diabetes or the provision of  
 25 assistance with self-administration of insulin by a student with diabetes by  
 26 trained volunteer school personnel designated as care providers in a plan  
 27 developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §  
 28 701 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. §  
 29 1400 et seq., as it existed on July 1, 2011 as each existed on January 1,  
 30 2013, who have been trained by a licensed nurse employed by a school district  
 31 or other health-care professional to administer glucagon to a child with type  
 32 1 diabetes in an emergency situation or to administer insulin to a child with  
 33 diabetes.

34 (B)(i) A licensed nurse employed by a school district or  
 35 other health-care professional shall annually train volunteer school  
 36 personnel designated as care providers in a plan developed under Section 504

1 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., or the  
2 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it  
3 existed on July 1, 2011 as each existed on January 1, 2013, to administer  
4 insulin, or glucagon, or both to a student with ~~type 1~~ diabetes.

5 (ii)(a) The parent or guardian of a student with  
6 ~~type 1~~ diabetes shall sign an authorization to allow the administration of  
7 insulin, or glucagon, or both to the student by volunteer school personnel  
8 designated as care providers.

9 (b) The parent or guardian of a student with  
10 diabetes who wishes school personnel to administer insulin or assist with the  
11 administration of insulin shall submit to the school orders signed by a  
12 licensed physician specifying the circumstances under which insulin shall be  
13 administered, including timing and dosage.

14 (c) Upon receipt of a physician's order under  
15 subdivision (11)(B)(ii)(a) of this section, the school shall review and  
16 implement the order.

17 (iii) The school district shall maintain a copy of  
18 the plan developed under Section 504 of the Rehabilitation Act of 1973, 29  
19 U.S.C. § 701 et seq., or the Individuals with Disabilities Education Act, 20  
20 U.S.C. § 1400 et seq., as it existed on July 1, 2011 as each existed on  
21 January 1, 2013, a list of volunteer school personnel who are designated as  
22 care providers and trained to administer insulin, or glucagon, or both, and a  
23 copy of the parent's or guardian's signed authorization.

24 (C) *A school district, school district employee, or an*  
25 *agent of a school district, including a ~~health-care~~ healthcare professional*  
26 *who trained volunteer school personnel designated as care providers, shall*  
27 *~~not be~~ is not liable for any damages resulting from his or her actions or*  
28 *inactions under this section.*

29 (D) The Arkansas State Board of Nursing and the State  
30 Board of Education shall promulgate rules necessary to administer this  
31 subdivision (11); or

32  
33 /s/Elliott  
34  
35  
36