

1 SB15
2 196575-1
3 By Senator Whatley
4 RFD: Healthcare
5 First Read: 05-MAR-19
6 PFD: 01/23/2019

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8 SYNOPSIS: Under existing law, students attending
9 public and nonpublic K-12 schools are permitted to
10 self-administer certain approved medications while
11 on school property and the State Department of
12 Education is required to develop and anaphylaxis
13 preparedness program to recognize, prevent, and
14 respond to severe allergic reactions on public
15 school campuses.

16 This bill would name the self-administration
17 law and the anaphylaxis preparedness program law
18 together as the Kyle Graddy Act.

19 This bill would specifically allow the
20 possession and self-administration of single dose
21 autoinjectable epinephrine by a school student.

22 This bill would also provide further for the
23 definition of single dose autoinjectable
24 epinephrine.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Sections 16-1-39 and 16-1-48, Code of
4 Alabama 1975, relating to the administration of medications on
5 K-12 school campuses; to name the code sections together as
6 the Kyle Graddy Act; to allow the possession and
7 self-administration of single dose autoinjectable epinephrine
8 by students; and to provide further for the definition of
9 single dose autoinjectable epinephrine.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 2 shall be known and may be cited
12 as the Kyle Graddy Act.

13 Section 2. Sections 16-1-39 and 16-1-48 of the Code
14 of Alabama 1975, are amended to read as follows:

15 "§16-1-39.

16 "(a) Commencing with the 2007-2008 scholastic year,
17 each local board of education and the governing body of each
18 nonpublic school in the state shall permit the
19 self-administration of medications by a student for chronic
20 conditions if conducted in compliance with the State
21 Department of Education and State Board of Nursing Medication
22 Curriculum, as may be amended from time to time by the
23 department and board. Approved medications may be
24 self-administered if the parent or legal guardian of the
25 student provides all of the information outlined in the
26 medication curriculum, including, but not limited to, all of
27 the following:

1 "(1) Written and signed authorization for the
2 self-administration to the chief executive officer of the
3 school.

4 "(2) Written and signed acknowledgement that the
5 school shall incur no liability and that the parent or legal
6 guardian shall indemnify and hold harmless the school and the
7 employees and agents of the school against any claims that may
8 arise relating to the self-administration of approved
9 medications.

10 "(3) Written medical authorization that includes all
11 of the following:

12 "a. The signature of the attending physician, or his
13 or her authorized agent.

14 "b. Confirmation that the student has been
15 instructed in the proper self-administration of the approved
16 medication.

17 "c. The name, purpose, and prescribed dosage of the
18 medications to be self-administered.

19 "d. The frequency with which the prescribed
20 medications are to be administered.

21 "e. Any special instructions or circumstances under
22 which the medications should be administered.

23 "f. The length of time for which the medications are
24 prescribed.

25 "(b) All documents provided to a school pursuant to
26 subsection (a) shall be kept on file in the office of the
27 school nurse or chief executive officer of the school.

1 "(c) The local board of education or the governing
2 body of the nonpublic school shall incur no liability and is
3 immune from any liability exposure created by this section.

4 "(d) Permission for the self-administration of
5 approved medications shall only be effective for the school
6 year in which permission is granted. Permission for
7 self-administration of approved medications may be granted in
8 subsequent years provided all requirements of this section are
9 satisfied.

10 "(e) Upon obtaining permission to self-administer
11 approved medications pursuant to this section, a student shall
12 be permitted to possess and self-administer approved
13 medications, according to the orders of the prescriber, at any
14 time while on school property or while attending a
15 school-sponsored event.

16 "(f) Nothing in this section shall be interpreted as
17 permitting a student to possess a controlled substance, as
18 defined in the medication curriculum, on school property.

19 "(g) Single dose autoinjectable epinephrine, as
20 defined in subsection (c) of Section 16-1-48, is an approved
21 medication for purposes of subsection (a) that may be carried
22 on the person of and self-administered by a student.

23 "§16-1-48.

24 "(a) The State Department of Education shall develop
25 an anaphylaxis preparedness program to be adopted by each
26 local board of education and implemented in each K-12 public
27 school commencing with the 2015-2016 scholastic year. The

1 Alabama State Board of Pharmacy shall provide guidance,
2 direction, and advice to the State Department of Education in
3 developing and administering the anaphylaxis preparedness
4 program.

5 "(b) The anaphylaxis preparedness program shall
6 incorporate the following three levels of prevention initiated
7 by licensed public school nurses as a part of the health
8 services program:

9 "(1) Level I, primary prevention: Education programs
10 that address food allergies and anaphylaxis through both
11 classroom and individual instruction for staff and students.

12 "(2) Level II, secondary prevention: Identification
13 and management of chronic illness.

14 "(3) Level III, tertiary prevention: The development
15 of a planned response to anaphylaxis-related emergencies in
16 the school setting.

17 "(c) Each local board of education may collaborate
18 with a physician to develop and maintain a protocol for
19 emergency response that shall include a supply of premeasured,
20 single dose autoinjectable epinephrine on each public school
21 campus to treat potentially life threatening allergic
22 reactions. Single dose autoinjectable epinephrine consists of
23 a disposable autoinjectable drug delivery device that is
24 easily transportable and contains a premeasured single dose of
25 epinephrine. Single dose autoinjectable epinephrine may be
26 self-administered at school by a student pursuant to Section
27 16-1-39 or may be administered or provided to school children

1 by the school nurse, or unlicensed school personnel who have
2 completed an anaphylaxis training program conducted by a
3 nationally recognized organization experienced in training
4 laypersons in emergency health treatment or other medication
5 administration program approved by the State Department of
6 Education and State Board of Nursing. Training may be
7 conducted online or in person and, at a minimum, shall cover
8 each of the following:

9 "(1) Techniques on how to recognize symptoms of
10 severe allergic reactions, including anaphylaxis.

11 "(2) Standards and procedures for the storage and
12 administration of ~~an~~ single dose autoinjectable epinephrine.

13 "(3) Emergency follow-up procedures.

14 "(d) A school that possesses and makes available
15 single dose autoinjectable epinephrine and its employees,
16 agents, and other trained personnel, and any person who
17 conducts the training described in subsection (c), shall be
18 immune from suit and not liable for any civil damages
19 resulting from any acts or omissions in the supervision or
20 rendering of services, care, or assistance to a student under
21 this section, nor for any civil damages resulting from any
22 act, or failure to act, to provide or arrange for further
23 treatment, care, or assistance. No information or protocols
24 produced related to this section shall be construed to
25 establish a standard of care for physicians or otherwise
26 modify, amend, or supersede any provision of the Alabama
27 Medical Liability Act of 1996, commencing with Section

1 6-5-540, or any amendment thereto, or any judicial
2 interpretation thereof. Any provision of law to the contrary
3 notwithstanding, a physician who is consulted or participates
4 in regard to anaphylaxis-related emergencies, or develops,
5 maintains, or is otherwise associated with, a protocol under
6 this section, or takes any other action associated with, or
7 related to, this section, is immune from all civil and
8 criminal liability for any such acts.

9 "(e) The requirement that a supply of premeasured,
10 single dose autoinjectable epinephrine be secured and
11 maintained on each public school campus shall only be enforced
12 if funding is provided by the state."

13 Section 3. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.