

SENATE BILL NO. 407

BY SENATOR BOUIE

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AN ACT

To enact R.S. 17:436.1(N), relative to the administration of medication at public schools; to require public school governing authorities to adopt a policy requiring the storage of auto-injectable epinephrine in certain classrooms; to provide for teachers in those classrooms be provided certain information; to provide for notification of the policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(N) is hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions; exceptions

* * *

N.(1) Notwithstanding any provision of law or any rule, regulation, or policy to the contrary, the governing authority of each public elementary and secondary school shall adopt a policy to maintain a supply of auto-injectable epinephrine, as defined in Subparagraph (J)(4)(a) of this Section, in a secure location in each classroom assigned to a student who is deemed by his physician to be at high risk for anaphylactic reaction and incapable of self-administration of auto-injectable epinephrine.

(2) The policy shall require the student's parent or other legal guardian to annually provide the school in which the student is enrolled with all of the following:

(a) The supply of auto-injectable epinephrine to be kept in each classroom.

(b) Written authorization for the student to be administered the medication.

1 (c) Written certification from the student's licensed medical physician
2 or other authorized prescriber that the student is at high risk of having
3 anaphylaxis and is not capable of self-administration of auto-injectable
4 epinephrine.

5 (d) A written treatment plan, as defined in Subparagraph (J)(1)(c) of this
6 Section, from the student's licensed medical physician or other authorized
7 prescriber for managing anaphylactic episodes.

8 (3) The documentation required by this Subsection shall be kept on file
9 in the office of the school nurse or other designated school official.

10 (4) The teacher in each classroom where auto-injectable epinephrine is
11 stored shall be provided information regarding accessing and administering
12 auto-injectable epinephrine, the signs and symptoms of anaphylactic reactions,
13 and specific information regarding condition, care, and treatment of the student
14 assigned to the classroom who is at high risk of anaphylactic reaction.

15 (5) The governing authority of the public elementary and secondary
16 school shall inform the parent or other legal guardian of the student in writing
17 that the school and its employees shall incur no liability as a result of any injury
18 sustained by the student from the good faith administration of auto-injectable
19 epinephrine. The parent or other legal guardian of the student shall sign a
20 statement acknowledging that the school shall incur no liability and that the
21 parent or other legal guardian shall indemnify and hold harmless the school and
22 its employees against any claims that may arise relating to the good faith
23 administration of auto-injectable epinephrine.

24 (6) Each school shall include the policy required by this Subsection in its
25 student handbook and post such policy on the school's website, if it has one.
26 Such policy shall also be disclosed to any parent or other legal guardian who
27 notifies the school in which the student is enrolled, in writing, that the student
28 has a condition which puts him at risk of anaphylaxis.

29 (7) The provisions of this Subsection shall be known and may be cited as
30 the "Louis Williams Junior Act".

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____