

2020 Regular Session

HOUSE BILL NO. 549

BY REPRESENTATIVE DUSTIN MILLER

SCHOOLS: Provides relative to administration of medication in public schools

1 AN ACT

2 To amend and reenact R.S. 17:436.1(J)(4)(a) and (5) through (7) and (K)(1) and (2), relative
3 to the administration of medication in public schools; to provide for the self-
4 administration of epinephrine by students; to provide for the administration of
5 epinephrine by school nurses and trained employees; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:436.1(J)(4)(a) and (5) through (7) and (K)(1) and (2) are hereby
9 amended and reenacted to read as follows:

10 §436.1. Administration of medication; definition; conditions; restrictions;
11 exceptions

12 * * *

13 J.

14 * * *

15 (4) For the purposes of this Subsection:

16 (a) ~~"Auto-injectable epinephrine"~~ "Epinephrine" means a ~~medical device for~~
17 ~~the immediate self-administration of epinephrine by a person at risk for anaphylaxis~~
18 measured, single dose of epinephrine that is used to treat a person suffering a
19 potentially life-threatening anaphylactic reaction.

20 * * *

1 (5) A student who has been granted permission to self-administer medication
2 pursuant to this Subsection shall be allowed to carry and store with the school nurse
3 or other designated school official an inhaler or ~~auto-injectable~~ epinephrine, or both,
4 at all times.

5 (6) Permission for the self-administration of asthma medications or ~~use of~~
6 ~~auto-injectable~~ epinephrine by a student shall be effective only for the school year
7 in which permission is granted. Permission for self-administration of asthma
8 medications or the ~~use of auto-injectable~~ epinephrine by a student shall be granted
9 each subsequent school year, provided all of the requirements of this Subsection are
10 fulfilled.

11 (7) Upon obtaining permission to self-administer asthma medication or to
12 use ~~auto-injectable~~ epinephrine pursuant to this Subsection, a student shall be
13 permitted to possess and self-administer such prescribed medication at any time
14 while on school property or while attending a school sponsored activity.

15 * * *

16 K.(1) Notwithstanding any provision of law or any rule, regulation, or policy
17 to the contrary, the governing authority of each public elementary and secondary
18 school shall adopt a policy authorizing a school nurse or trained school employee to
19 administer ~~auto-injectable~~ epinephrine, as defined in Subparagraph (J)(4)(a) of this
20 Section, to a student who the school nurse or trained school employee, in good faith,
21 professionally believes is having an anaphylactic reaction, whether or not such
22 student has a prescription for epinephrine. At least one employee at each school
23 shall receive training from a registered nurse or a licensed medical physician in the
24 administration of ~~auto-injectable~~ epinephrine. The school nurse or trained employee
25 may administer the ~~auto-injectable~~ epinephrine to respond to a student's anaphylactic
26 reaction, under a standing protocol from a physician licensed to practice medicine
27 in the state.

28 (2) Each public elementary and secondary school may maintain a supply of
29 ~~auto-injectable~~ epinephrine at the school in a locked, secure, and easily accessible

1 location. A licensed physician may prescribe epinephrine ~~auto-injectors~~ in the name
2 of the school system or the individual school to be maintained for use when deemed
3 necessary pursuant to the provisions of this Subsection.

4 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 549 Original

2020 Regular Session

Dustin Miller

Abstract: Provides relative to the administration of medication in public schools.

Present law provides for requirements and restrictions relative to the administration of medication to public school students and defines "medication" as all prescription and nonprescription drugs. Proposed law retains present law.

Present law requires the governing authority of each public school to adopt a policy authorizing a school nurse to administer auto-injectable epinephrine to a student who the school nurse, in good faith, professionally believes is having an anaphylactic reaction, whether or not such a student has a prescription for epinephrine.

Present law requires that at least one employee at each school receive training from a registered nurse or a licensed physician in the administration of auto-injectable epinephrine. Authorizes the school nurse or trained employee to administer the auto-injectable epinephrine in response to a student's anaphylactic reaction under a standing protocol from a physician licensed to practice in this state.

Present law authorizes each public school to maintain a supply of epinephrine at the school in a locked, secure, and easily accessible location. Further provides that a licensed physician may prescribe epinephrine auto-injectors in the name of the school system or the individual school.

Proposed law retains present law but removes all references to "auto-injectable" and "auto-injectors".

(Amends 17:436.1(J)(4)(a) and (5) - (7) and (K)(1) and (2))