

2012 -- S 2173 SUBSTITUTE A AS AMENDED

=====
LC00564/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Felag, Walaska, and DiPalma

Date Introduced: January 18, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-21-22 of the General Laws in Chapter 16-21 entitled "Health
2 and Safety of Pupils" is hereby amended to read as follows:

3 **16-21-22. Allergic emergencies -- Anaphylaxis -- Use of epinephrine -- Immunity for**
4 **those administering. --** (a) The department of elementary and secondary education and the
5 department of health shall incorporate into their policies, rules, and regulations pertaining to
6 school health programs a procedure for addressing incidents of anaphylaxis (exaggerated allergic
7 reaction) in order to provide for the health and safety of children who have been medically
8 identified as being prone to anaphylaxis or who show evidence of anaphylaxis. The policies,
9 rules, and regulations shall include a procedure whereby a parent or legal guardian of any child
10 may expressly authorize the school department and school bus drivers and monitors to administer
11 the epinephrine on his or her child in case of an emergency and ensures that the epinephrine is
12 kept in a conspicuous place, readily available and that their proper use is made known to school
13 personnel. School bus drivers and monitors shall receive training in the administration of
14 epinephrine. To treat a case of anaphylaxis, trained school bus drivers and/or monitors shall
15 administer the epinephrine auto-injector to an identified student.

16 (b) The policies, rules and regulations shall also include a procedure to allow children to
17 carry and use prescription inhalers, and auto-injectable epinephrine, while in school, ~~or~~ at a
18 school sanctioned function or event, or in transit to and from school or school sanctioned function
19 or event by the school bus service provider; when prescribed by a licensed individual with

1 prescriptive privileges. Children who need to carry prescription inhalers and/or auto-injectable
2 epinephrine shall provide the school and the school bus service provider with medical
3 documentation that the inhaler and/or auto-injectable epinephrine has been legitimately
4 prescribed and that the child needs to carry it on his or her person due to a medical condition but
5 no child shall be disciplined solely for failure to provide this documentation in advance.

6 (c) Parents shall provide a doctor's letter or prescription notifying the school and the
7 school bus service provider of their child's allergy and the need to administer epinephrine in an
8 allergic emergency.

9 (d) No school teacher, school administrator, or school health care personnel, school bus
10 driver, school bus monitor or any other school personnel shall be liable for civil damages which
11 may result from acts or omissions in use of the epinephrine which may constitute ordinary
12 negligence; nor shall the school personnel mentioned in this subsection be liable for civil
13 damages which may result from acts or omissions in the use of prescription inhalers by children
14 which may constitute ordinary negligence. This immunity does not apply to acts or omissions
15 constituting gross negligence or willful or wanton conduct. For the purposes of determining
16 immunity from liability under subsection (d) only, the term "other school personnel" shall include
17 any private entity providing school bus services and individual school bus drivers and monitors
18 employed or otherwise engaged by such school bus service entities. ~~The provisions of this section~~
19 ~~shall not be construed to impose any obligation upon any private entity providing school bus~~
20 ~~services, or individual school bus drivers or monitors employed or otherwise engaged by such~~
21 ~~school bus service entities, to administer epinephrine.~~

22 (e) School physicians may execute standing orders and prescriptions for school nurses to
23 use epinephrine when there are symptoms of anaphylaxis.

24 (f) The student's parent or guardian is responsible for supplying and replacing when
25 necessary all prescription medication that is authorized pursuant to this section.

26 SECTION 2. This act shall take effect upon passage.

=====
LC00564/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

- 1 This act would allow students to carry auto-injectable epinephrine and allow bus drivers
- 2 and monitors to administer epinephrine under certain circumstances.
- 3 This act would take effect upon passage.

=====
LC00564/SUB A
=====