

1 HB156
2 159526-2
3 By Representative Tuggle
4 RFD: Education Policy
5 First Read: 14-JAN-14



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ENROLLED, An Act,

Relating to public K-12 education; to require the State Department of Education to develop, and each local board of education to adopt and implement, an anaphylaxis preparedness program commencing with the 2015-2016 scholastic year; to authorize the local board of education to collaborate with a physician to develop and maintain a protocol for emergency response that includes a supply of premeasured, autoinjectable epinephrine on each public school campus; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The State Department of Education shall develop an anaphylaxis preparedness program to be adopted by each local board of education and implemented in each K-12 public school commencing with the 2015-2016 scholastic year. The Alabama State Board of Pharmacy shall provide guidance, direction, and advice to the State Department of Education in developing and administering the anaphylaxis preparedness program.

1 (b) The anaphylaxis preparedness program shall
2 incorporate the following three levels of prevention initiated
3 by licensed public school nurses as a part of the health
4 services program:

5 (1) Level I, primary prevention: Education programs
6 that address food allergies and anaphylaxis through both
7 classroom and individual instruction for staff and students.

8 (2) Level II, secondary prevention: Identification
9 and management of chronic illness.

10 (3) Level III, tertiary prevention: The development
11 of a planned response to anaphylaxis-related emergencies in
12 the school setting.

13 (c) Each local board of education may collaborate
14 with a physician to develop and maintain a protocol for
15 emergency response that shall include a supply of premeasured,
16 autoinjectable epinephrine on each public school campus to
17 treat potentially life threatening allergic reactions. Single
18 dose autoinjectable epinephrine may be administered or
19 provided to school children by the school nurse, or unlicensed
20 school personnel who have completed an anaphylaxis training
21 program conducted by a nationally recognized organization
22 experienced in training laypersons in emergency health
23 treatment or other medication administration program approved
24 by the State Department of Education and State Board of

1 Nursing. Training may be conducted online or in person and, at
2 a minimum, shall cover each of the following:

3 (1) Techniques on how to recognize symptoms of
4 severe allergic reactions, including anaphylaxis.

5 (2) Standards and procedures for the storage and
6 administration of an autoinjectable epinephrine.

7 (3) Emergency follow-up procedures.

8 (d) A school that possesses and makes available
9 autoinjectable epinephrine and its employees, agents, and
10 other trained personnel, and any person who conducts the
11 training described in subsection (c), shall be immune from
12 suit and not liable for any civil damages resulting from any
13 acts or omissions in the supervision or rendering of services,
14 care, or assistance to a student under this section, nor for
15 any civil damages resulting from any act, or failure to act,
16 to provide or arrange for further treatment, care, or
17 assistance. No information or protocols produced related to
18 this section shall be construed to establish a standard of
19 care for physicians or otherwise modify, amend, or supersede
20 any provision of the Alabama Medical Liability Act of 1996,
21 commencing with Section 6-5-540, Code of Alabama 1975, or any
22 amendment thereto, or any judicial interpretation thereof. Any
23 provision of law to the contrary notwithstanding, a physician
24 who is consulted or participates in regard to
25 anaphylaxis-related emergencies, or develops, maintains, or is


1 otherwise associated with, a protocol under this section, or
2 takes any other action associated with, or related to, this
3 section, is immune from all civil and criminal liability for
4 any such acts.

5 (e) The requirement that a supply of premeasured,
6 autoinjectable epinephrine be secured and maintained on each
7 public school campus shall only be enforced if funding is
8 provided by the state.

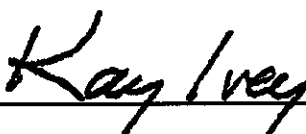
9 Section 2. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill requires expenditures only by a school board.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

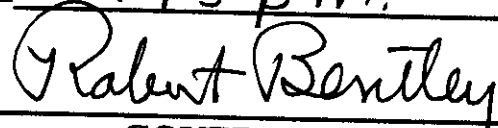
I hereby certify that the within Act originated in and was passed by the House 13-FEB-14, as amended.

Jeff Woodard
Clerk

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|--------|------------------|-------------------------------|
| Senate | <u>03-APR-14</u> | Amended and Passed |
| House | <u>03-APR-14</u> | Concurred in Senate Amendment |

APPROVED April 9, 2014

TIME 1:15 p.m.



GOVERNOR

Alabama Secretary Of State

Act Num....: 2014-405
Bill Num...: H-156

Recv'd 04/09/14 04:16pmSLF

SPONSOR

Waggle
SPONSORS

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 156

YEAS 89 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

SENATE ACTION

DATE: 2-13

2010

RD 1 RFD

Health

This Bill was referred to the Standing Committee of the Senate on Health

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) w/sub by a vote of

years 5 nays 6 abstain

this 14th day of February 2014

Jeff Woodard Chairperson

DATE: 2-16

2010

RF

FAU

RD 2 CAL

DATE:

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RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,

HB 15 YEARS 29 NAYS 1

PATRICK HARRIS, Secretary