

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0491.01 Debbie Haskins x2045

HOUSE BILL 13-1171

HOUSE SPONSORSHIP

Primavera, McCann, Melton, Ryden, Schafer, Singer, Tyler

SENATE SPONSORSHIP

Todd, Aguilar, Giron, Guzman, Hudak, Jahn, Kefalas, Newell

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF EPINEPHRINE AUTO-INJECTORS IN**
102 **EMERGENCY SITUATIONS IN SCHOOL SETTINGS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The governing authority of public and nonpublic schools may adopt a policy to authorize the school nurse or other designated school personnel to administer an epinephrine auto-injector to any student that the school nurse or designated school personnel in good faith believes is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

experiencing anaphylaxis, in accordance with a standing protocol from a licensed physician, physician's assistant, or advance practice nurse with prescriptive authority, and regardless of whether the student has a prescription for an epinephrine auto-injector. Schools may acquire and maintain a stock supply of epinephrine auto-injectors. A governing authority of a school may enter into arrangements with manufacturers or third-party suppliers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market or reduced prices or for free.

The state board of education, with assistance from the department of public health and environment, is required to adopt rules on the management of students with life-threatening allergies, training of users of epinephrine auto-injectors, and on the reporting of incidences of anaphylaxis and the administration of epinephrine auto-injectors.

The bill requires a public school that obtains epinephrine auto-injectors to meet the rules on training, maintenance, and physician involvement requirements. The department of education shall develop and publish an annual report compiling, summarizing, and analyzing all incident reports submitted to the department.

The bill limits the liability of a public or nonpublic school and a good-faith user of an epinephrine auto-injector in emergency situations in school settings when the school has adopted a policy on the administration of epinephrine auto-injectors in accordance with a standing protocol. To qualify for the limited immunity protection, a nonpublic school must follow the state board of education's rules on training, maintenance, and physician-involvement requirements. The bill extends the limited immunity under current law available to a public school to a nonpublic school when a student self-administers an epinephrine auto-injector pursuant to an approved treatment plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-119.5, **amend**
3 (6) and (8); and **add** (5.5) as follows:

4 **22-1-119.5. Asthma, food allergy, and anaphylaxis health**
5 **management - self-administered medication - staff-administered**
6 **medication - rules - definitions.** (5.5) (a) AS USED IN THIS SUBSECTION
7 (5.5) AND IN SUBSECTION (6) OF THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

9 (I) "ADMINISTER" OR "ADMINISTRATION" MEANS TO GIVE A DOSE

1 OF MEDICINE TO A STUDENT WHO HAS ASTHMA OR A FOOD OR OTHER
2 ALLERGY OR WHO IS EXPERIENCING ANAPHYLAXIS, INCLUDING THE USE OF
3 AN EPINEPHRINE AUTO-INJECTOR, AN ASTHMA INHALER, OR ORAL
4 MEDICATION.

5 (II) "DESIGNATED SCHOOL PERSONNEL" MEANS AN EMPLOYEE OR
6 AGENT OF A SCHOOL DESIGNATED BY THE GOVERNING AUTHORITY OF A
7 SCHOOL WHO HAS COMPLETED THE TRAINING REQUIRED BY RULE TO
8 ADMINISTER AN EPINEPHRINE AUTO-INJECTOR TO A STUDENT.

9 (III) "GOVERNING AUTHORITY OF A SCHOOL" MEANS A SCHOOL
10 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER
11 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
12 GOVERNING BOARD OF A NONPUBLIC SCHOOL.

13 (IV) "PRESCRIPTION" MEANS ANY ORDER ISSUED IN WRITING,
14 DATED AND SIGNED BY A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36
15 OF TITLE 12, C.R.S., A PHYSICIAN'S ASSISTANT LICENSED IN ACCORDANCE
16 WITH SECTION 12-36-107.4, C.R.S., OR AN ADVANCED PRACTICE NURSE
17 WITH PRESCRIPTIVE AUTHORITY IN ACCORDANCE WITH SECTION
18 12-36-106.4, C.R.S.

19 (V) "SCHOOL" MEANS ANY PUBLIC OR NONPUBLIC SCHOOL.

20 (b) A GOVERNING AUTHORITY OF A SCHOOL MAY ADOPT AND
21 IMPLEMENT A POLICY WHEREBY SCHOOLS UNDER ITS JURISDICTION MAY
22 ACQUIRE AND MAINTAIN A STOCK SUPPLY OF EPINEPHRINE
23 AUTO-INJECTORS.

24 (c) A GOVERNING AUTHORITY OF A SCHOOL MAY ADOPT A POLICY
25 FOR SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE
26 OR OTHER DESIGNATED SCHOOL PERSONNEL TO ADMINISTER AN
27 EPINEPHRINE AUTO-INJECTOR TO ANY STUDENT THAT THE SCHOOL NURSE

1 OR DESIGNATED SCHOOL PERSONNEL IN GOOD FAITH BELIEVES IS
2 EXPERIENCING ANAPHYLAXIS, IN ACCORDANCE WITH STANDING ORDERS
3 AND PROTOCOLS FROM A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT, OR
4 ADVANCE PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY, REGARDLESS
5 OF WHETHER THE STUDENT HAS A PRESCRIPTION FOR AN EPINEPHRINE
6 AUTO-INJECTOR.

7 (d) A GOVERNING AUTHORITY OF A SCHOOL MAY ENTER INTO
8 ARRANGEMENTS WITH MANUFACTURERS OF EPINEPHRINE AUTO-INJECTORS
9 OR THIRD-PARTY SUPPLIERS OF EPINEPHRINE AUTO-INJECTORS TO OBTAIN
10 EPINEPHRINE AUTO-INJECTORS AT FAIR-MARKET OR REDUCED PRICES OR
11 FOR FREE.

12 (e) THE GOVERNING AUTHORITY OF A PUBLIC SCHOOL THAT
13 DECIDES TO MAINTAIN A SUPPLY OF EPINEPHRINE AUTO-INJECTORS AS
14 DESCRIBED IN THIS SUBSECTION (5.5) SHALL:

15 (I) IMPLEMENT A PLAN BASED ON THE RULES DEVELOPED
16 PURSUANT TO SUBSECTION (8) OF THIS SECTION FOR THE MANAGEMENT OF
17 STUDENTS WITH LIFE-THREATENING ALLERGIES ENROLLED IN SCHOOLS
18 UNDER ITS JURISDICTION; AND

19 (II) MAKE SUCH PLAN AVAILABLE ON SUCH GOVERNING
20 AUTHORITY'S WEB SITE OR THE WEB SITE OF EACH SCHOOL UNDER THE
21 GOVERNING AUTHORITY'S JURISDICTION, OR IF SUCH WEB SITES DO NOT
22 EXIST, MAKE SUCH PLAN AVAILABLE TO PARENTS AND OTHER INTERESTED
23 PERSONS THROUGH OTHER PRACTICAL MEANS AS DETERMINED BY SUCH
24 GOVERNING AUTHORITY.

25 (f) TO QUALIFY FOR THE PROTECTIONS IN SUBSECTION (6) OF THIS
26 SECTION, THE GOVERNING AUTHORITY OF A NONPUBLIC SCHOOL THAT
27 DECIDES TO MAINTAIN A SUPPLY OF EPINEPHRINE AUTO-INJECTORS AS

1 DESCRIBED IN THIS SUBSECTION (5.5) MUST IMPLEMENT A PLAN BASED ON
2 THE RULES ADOPTED BY THE STATE BOARD OF EDUCATION AS DESCRIBED
3 IN SUBSECTION (8) OF THIS SECTION.

4 (g) THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND
5 PUBLISH AN ANNUAL REPORT COMPILING, SUMMARIZING, AND ANALYZING
6 ALL INCIDENT REPORTS SUBMITTED TO THE DEPARTMENT PURSUANT TO
7 PARAGRAPH (e) OF SUBSECTION (8) OF THIS SECTION.

8 (6) UNLESS THE DAMAGES WERE CAUSED BY WILLFUL OR WANTON
9 CONDUCT OR DISREGARD OF THE CRITERIA OF AN APPROVED TREATMENT
10 PLAN, if the provisions of this section are met, a school, school district,
11 school district director, or school or school district employee ~~or a~~
12 ~~volunteer~~ not otherwise provided for under section 13-21-108, C.R.S.,
13 shall not be liable in a suit for damages as a result of an act or omission
14 related to:

15 (a) A student's own use of the student's epinephrine auto-injector
16 or any other medication contained in an approved treatment plan; ~~unless~~
17 ~~the damages were caused by willful or wanton conduct or disregard of the~~
18 ~~criteria of the treatment plan.~~ OR

19 (b) THE GOOD-FAITH ADMINISTRATION OF AN EPINEPHRINE
20 AUTO-INJECTOR IN ACCORDANCE WITH A POLICY AND ~~STANDING~~
21 ~~ORDERS AND PROTOCOLS~~ ON THE ADMINISTRATION OF EPINEPHRINE
22 AUTO-INJECTORS AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5.5) OF
23 THIS SECTION AND PURSUANT TO A PLAN ADOPTED PURSUANT TO
24 PARAGRAPH (e) OR (f) OF SUBSECTION (5.5) OF THIS SECTION.

25 (8) The state board of education, with assistance from the
26 department of public health and environment, shall promulgate AND
27 REVISE, AS NECESSARY, rules for treatment plans for the

1 ~~self-administration of medications~~ MANAGEMENT OF STUDENTS WITH
2 LIFE-THREATENING ALLERGIES pursuant to this section. THE STATE BOARD
3 OF EDUCATION SHALL ADOPT RULES ON OR BEFORE DECEMBER 31, 2013,
4 TO INCLUDE, BUT NOT BE LIMITED TO:

5 (a) EDUCATION AND TRAINING FOR SCHOOL NURSES AND
6 DESIGNATED SCHOOL PERSONNEL ON THE MANAGEMENT OF STUDENTS
7 WITH LIFE-THREATENING ALLERGIES, INCLUDING TRAINING RELATED TO
8 THE ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR. IN DEVELOPING
9 THE RULES ON EDUCATION AND TRAINING, THE STATE BOARD SHALL
10 SOLICIT INPUT FROM AN ORGANIZATION THAT REPRESENTS SCHOOL
11 NURSES.

12 (b) PROCEDURES FOR RESPONDING TO LIFE-THREATENING
13 ALLERGIC REACTIONS;

14 (c) A PROCESS FOR THE DEVELOPMENT OF INDIVIDUALIZED HEALTH
15 CARE AND ALLERGY ACTION PLANS FOR EVERY STUDENT WITH A KNOWN
16 LIFE-THREATENING ALLERGY, INCLUDING THE SELF-ADMINISTRATION OF
17 MEDICATIONS PURSUANT TO SUBSECTION (2) OF THIS SECTION;

18 (d) PROTOCOLS TO PREVENT EXPOSURE TO ALLERGENS;

19 (e) REQUIREMENTS FOR EACH SCHOOL TO SUBMIT, ON A FORM
20 DEVELOPED BY THE DEPARTMENT OF EDUCATION, A REPORT OF EACH
21 INCIDENT AT THE SCHOOL OR A RELATED-SCHOOL EVENT INVOLVING A
22 SEVERE ALLERGIC REACTION OR THE ADMINISTRATION OF AN EPINEPHRINE
23 AUTO-INJECTOR OR BOTH;

24 (f) DETAILED STANDARDS FOR TRAINING PROGRAMS THAT MUST
25 BE COMPLETED BY SCHOOL NURSES AND DESIGNATED SCHOOL PERSONNEL
26 IN ORDER TO ADMINISTER AN EPINEPHRINE AUTO-INJECTOR IN
27 ACCORDANCE WITH SUBSECTION (5.5) OF THIS SECTION. TRAINING MAY BE

1 CONDUCTED ON-LINE AND, AT A MINIMUM, SHALL COVER:

2 (I) TECHNIQUES ON HOW TO RECOGNIZE SYMPTOMS OF SEVERE
3 ALLERGIC REACTIONS, INCLUDING ANAPHYLAXIS;

4 (II) STANDARDS AND PROCEDURES FOR THE STORAGE AND
5 ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR; AND

6 (III) EMERGENCY FOLLOW-UP PROCEDURES AFTER ADMINISTERING
7 AN EPINEPHRINE AUTO-INJECTOR.

8 **SECTION 2. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 general fund not otherwise appropriated, to the department of education,
11 for the fiscal year beginning July 1, 2013, the sum of \$8,035 and 0.1 FTE,
12 or so much thereof as may be necessary, for allocation to health and
13 nutrition programs for expenses related to the implementation of this act.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.