

Stricken language would be deleted from and underlined language would be added to present law.
Act 245 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H1/30/25 H2/13/25

A Bill

HOUSE BILL 1166

By: Representatives Gramlich, L. Johnson

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO CLARIFY THE TYPES OF EPINEPHRINE FOR USE IN
ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE; AND
FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE TYPES OF EPINEPHRINE FOR
USE IN ELEMENTARY AND SECONDARY SCHOOLS
IN THIS STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-707 is amended to read as follows:

6-18-707. Prescription asthma inhaler or ~~auto-injectable~~ epinephrine –
Definitions.

(a) This section shall be known and may be cited as “Alex’s Law”.

(b) As used in this section:

(1)(A) "Epinephrine" means a neurotransmitter and a hormone that
has been approved by the United States Food and Drug Administration for the
treatment of anaphylaxis.

(B) "Epinephrine" only includes auto-injectable
epinephrine and epinephrine nasal spray;

~~(1)(A)~~(2)(A) “Medication” means a drug as that term is defined
in 21 U.S.C. § 321(g) of the Federal Food, Drug and Cosmetic Act as in
existence on January 1, 2005.

(B) “Medication” includes inhaled bronchodilators and
~~auto-injectable~~ epinephrine; and

~~(2)~~(3) “Self-administration” means a person’s discretionary use



of a medication pursuant to a prescription or written direction from a licensed healthcare practitioner.

(c)(1) The Division of Elementary and Secondary Education shall develop guidelines for use in school districts that allow a student to carry and use an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, while in school, at an on-site school-sponsored activity, or at an off-site school-sponsored activity.

(2)(A) The procedure shall include at a minimum the following provisions:

(i) The parent or guardian of a student who needs to carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, shall provide the school with written authorization for the student to carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person for use while in school, at an on-site school-sponsored activity, or at an off-site school-sponsored activity; and

(ii) The authorization shall be:

(a) Valid ~~valid~~ only for the duration of the school year at the school that the student is attending at the time the authorization is provided; and

(b) Renewed ~~The authorization must be renewed~~ for each school year or if the student changes schools in order for the student to carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person.

(B) The parent or guardian of a student who needs to carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, shall provide the school with appropriate medical documentation, which shall include:

(i) Evidence that the asthma inhaler or ~~auto-injectable~~ epinephrine, or both, have been prescribed by a healthcare practitioner with prescriptive privileges;

(ii) Evidence that the student needs to carry the asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person due to a medical condition; and

(iii) A copy of an individualized healthcare plan for the student.

(C) All medical documentation provided with regard to a student who carries an asthma inhaler or ~~auto-injectable~~ epinephrine, or

both, shall be kept on file at the school the student attends in a location that is readily accessible in the event of an asthma or anaphylaxis emergency.

(D) A student's asthma inhaler or ~~auto-injectable~~ epinephrine, or both, shall be supplied by the student's parent or guardian and shall be stored and transported in its original prescription-labeled container.

(E) The student shall demonstrate to the healthcare practitioner who wrote the prescription and the school nurse, if the school nurse is available, the skill level and responsibility necessary to use and administer the asthma inhaler or ~~auto-injectable~~ epinephrine, or both.

(F)(i) A student with asthma is not required by this section or any related rule or school procedure to carry the student's asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person.

(ii) If a student with asthma does not carry the student's asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person, then the student's parent or guardian shall provide the school with appropriate medication in the event of an asthma or anaphylaxis emergency, which shall be immediately available to the student in an emergency.

(G) A student who carries the student's asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person may provide the school with appropriate medication in the event of an asthma or anaphylaxis emergency, which shall be immediately available to the student in an emergency.

(H) A student is prohibited from sharing, transferring, or in any way diverting his or her own medications to any other person.

(d)(1) A school district, school district employee, or agent of a school district is not liable for injury to a student caused by his or her use of a prescription inhaler or self-administration of medication.

(2)(A) Regardless of whether or not a student's parents have signed a waiver of liability, when a school nurse or a school district or public charter school employee who holds a certificate under subsection (f) of this section administers an epinephrine ~~auto-injector~~ to a student whom the school nurse or a school district or public charter school employee in good faith professionally believes is having an anaphylactic reaction or when

a school nurse or a school district or public charter school employee administers albuterol to a student who the school nurse or a school district or public charter school employee in good faith professionally believes is in perceived respiratory distress, the following persons are immune from any damage, loss, or liability as a result of an injury arising from the administration of ~~an epinephrine auto-injector~~ or albuterol:

- (i) The school district or public charter school;
- (ii) The employees and agents of the school district or public charter school; and
- (iii) A physician providing a standing protocol or prescription for epinephrine ~~auto-injectors~~ or albuterol maintained at a school.

(B) This subdivision (d)(2) does not provide immunity from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of a person in administering an epinephrine ~~auto-injector~~ or albuterol to a student under this section.

(e)(1) A school district or public charter school shall adopt a policy to authorize a school nurse or a school district or public charter school employee to:

(A) Provide ~~an epinephrine auto-injector~~ or albuterol to a student that meets the prescription on file or any personnel who holds a certificate under subsections (f) and (g) of this section to administer an epinephrine ~~auto-injector~~ or albuterol to the student;

(B) Administer ~~an epinephrine auto-injector~~ or albuterol that meets the prescription on file to a student who has an individualized healthcare plan that authorizes the use of ~~an epinephrine auto-injector~~ or albuterol;

(C) Administer ~~an epinephrine auto-injector~~ to a student who the school nurse or a school district or public charter school employee who holds a certificate under subsection (f) of this section in good faith professionally believes is having an anaphylactic reaction; and

(D) Administer albuterol to a student who the school nurse or a school district or public charter school employee in good faith professionally believes is in perceived respiratory distress.

(2) A school nurse shall administer ~~an epinephrine auto-injector~~ or albuterol under a standing protocol from a physician licensed to practice

medicine in this state.

(3) A school nurse who receives a supply of epinephrine ~~auto-injectors~~ under § 20-13-405 for use at a public school shall maintain the supply of epinephrine ~~auto-injectors~~ at the school in a locked, secure location.

(4) Each school district and public charter school shall develop a health plan to implement a certificate from a licensed physician, an advanced practice registered nurse, or a physician assistant under subsections (f) and (g) of this section.

(f)(1) A licensed physician shall issue a certificate under the Insect Sting and Other Allergic Reactions Emergency Treatment Act, § 20-13-401 et seq., authorizing a school nurse or a school district or public charter school employee who is trained in the administration of epinephrine to possess and administer epinephrine.

(2) The certificate shall specify the circumstances under which epinephrine may be administered.

(g)(1) A physician who is licensed to practice medicine in this state, an advanced practice registered nurse, or a physician assistant may issue a certificate authorizing a school nurse or a school district or public charter school employee who is trained in the administration of albuterol to possess and administer albuterol.

(2) A school district or public charter school may:

(A) Acquire and stock a supply of albuterol as authorized by subdivision (g)(1) of this section; and

(B) Enter into agreements with manufacturers of albuterol to obtain the albuterol free of charge or at fair market or reduced prices.

(3) A school district or public charter school shall designate an employee trained in the possession and administration of albuterol to be responsible for the storage, maintenance, and distribution of albuterol stocked by the school.

/s/Gramlich

APPROVED: 3/6/25