

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2011

By: Representative Bell

For An Act To Be Entitled

AN ACT TO ALLOW SCHOOL NURSE TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO A PUBLIC SCHOOL STUDENT UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW A SCHOOL NURSE TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO A PUBLIC SCHOOL STUDENT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Arkansas Code § 6-18-707, concerning prescription asthma inhaler or auto-injectable epinephrine, is amended to add an additional subsection to read as follows:

(e)(1) A school district or public charter school may authorize a school nurse to:

(A) Provide an epinephrine auto-injector to a student that meets the prescription on file or any personnel authorized under a student's individualized health care plan to administer an epinephrine auto-injector to the student ;

(B) Administer an epinephrine auto-injector that meets the prescription on file to a student who has an individualized health care plan that authorizes the use of an epinephrine auto-injector; and

(C) Administer an epinephrine auto-injector to a student who the school nurse in good faith professionally believes is having an anaphylactic reaction.



(2) A school nurse shall administer an epinephrine auto-injector under a standing protocol from a physician licensed to practice medicine in this state.

(3) A school nurse that 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)(A) Regardless of whether or not a student's parents have signed a waiver of liability, when a school nurse administers an epinephrine auto-injector to a student who the school nurse in good faith professionally believes is having an anaphylactic reaction, the following persons are immune from any damage, loss, or liability as a result of an injury arising from the use of an epinephrine auto-injector:

(i) The school district or public charter school and its employees and agents; and

(ii) A physician providing standing protocol or prescription for epinephrine auto-injectors maintained at a school.

(B) This subdivision (e)(4) 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 to a student under this section.

SECTION 2. Arkansas Code § 20-13-404(2), concerning persons who may receive a certificate under the Insect Sting, and Other Allergic Reactions Emergency Treatment Act, § 20-13-401 et seq., is amended to read as follows:

(2) Have, or reasonably expect to have, responsibility for at least one (1) other person as a result of one's relationship or occupational or volunteer status, ~~for example, such as~~ parents, camp counselors, scout leaders, schoolteachers school nurses, public school teachers, forest rangers, tour guides, or chaperones; and