

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/11/13 S3/19/13  
**A Bill**

SENATE BILL 228

By: Senator Elliott

By: Representative H. Wilkins

### For An Act To Be Entitled

AN ACT TO PROTECT THE HEALTH AND SAFETY OF PUBLIC SCHOOL STUDENTS WITH DIABETES BY PROVIDING FOR CERTAIN SCHOOL PERSONNEL TO BE TRAINED IN THE ADMINISTRATION OF GLUCAGON; AND FOR OTHER PURPOSES.

### Subtitle

TO PROTECT THE HEALTH AND SAFETY OF PUBLIC SCHOOL STUDENTS WITH DIABETES BY PROVIDING FOR CERTAIN SCHOOL PERSONNEL TO BE TRAINED IN THE ADMINISTRATION OF GLUCAGON.

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

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-709. Students with diabetes – Self-treatment.

(a) Upon written request of a parent or guardian of a student with diabetes and authorization by the student's treating physician, a student with diabetes may:

(1) Perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of his or her diabetes in the classroom, in another area of the school or school grounds, and at any school-related activity; and

(2) Possess on his or her person necessary supplies and



equipment to perform monitoring and treatment functions.

(b) If a parent of a student with diabetes or student with diabetes so requests, the student shall have access to a private area for performing diabetes care tasks.

(c)(1) The parent or guardian of a student with diabetes who wishes school personnel to administer insulin or assist with the administration of insulin shall submit to the school an order signed by a licensed physician specifying the circumstances under which insulin shall be administered.

(2) A physician's order under subdivision (c)(1) of this section shall include the timing and dosage of the administration of insulin.

(d) Upon receipt of a physician's order under subdivision (c)(1) of this section, the school shall review and implement the order in accordance with district policies relating to the storage and recordkeeping that are not inconsistent with this section.

(e) A school or school district may develop a health plan to implement physicians' orders under subdivision (c)(1) of this section.

(f) A school shall not require or pressure parents or guardians to provide diabetes care at school or school-related activities for a student with diabetes.

SECTION 2. Arkansas Code § 17-87-103(11), concerning exceptions to the nurse practice act, is amended to read as follows:

(11)(A) The administration of insulin, or glucagon, or both to a student ~~who is suffering from~~ with ~~type 1~~ diabetes or the provision of assistance with self-administration of insulin by a student with diabetes by trained volunteer school personnel designated as care providers in a plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on July 1, 2011 as each existed on January 1, 2013, who have been trained by a licensed nurse employed by a school district or other health-care professional to administer glucagon to a child with ~~type 1~~ diabetes in an emergency situation or to administer insulin to a child with diabetes.

(B)(i) A licensed nurse employed by a school district or other health-care professional shall annually train volunteer school personnel designated as care providers in a plan developed under Section 504

of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on July 1, 2011 as each existed on January 1, 2013, to administer insulin, or glucagon, or both to a student with ~~type 1~~ diabetes.

(ii)(a) The parent or guardian of a student with ~~type 1~~ diabetes shall sign an authorization to allow the administration of insulin, or glucagon, or both to the student by volunteer school personnel designated as care providers.

(b) The parent or guardian of a student with diabetes who wishes school personnel to administer insulin or assist with the administration of insulin shall submit to the school orders signed by a licensed physician specifying the circumstances under which insulin shall be administered, including timing and dosage.

(c) Upon receipt of a physician's order under subdivision (11)(B)(ii)(a) of this section, the school shall review and implement the order.

(iii) The school district shall maintain a copy of the plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on July 1, 2011 as each existed on January 1, 2013, a list of volunteer school personnel who are designated as care providers and trained to administer insulin, or glucagon, or both, and a copy of the parent's or guardian's signed authorization.

(C) *A school district, school district employee, or an agent of a school district, including a ~~health-care~~ healthcare professional who trained volunteer school personnel designated as care providers, ~~shall not be~~ is not liable for any damages resulting from his or her actions or inactions under this section.*

(D) The Arkansas State Board of Nursing and the State Board of Education shall promulgate rules necessary to administer this subdivision (11); or

*/s/Elliott*