

By the Committee on Education Pre-K - 12; and Senators Bean and Hutson

581-02937-16

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1 A bill to be entitled

2 An act relating to emergency allergy treatment in
3 schools; amending s. 381.88, F.S.; revising the term
4 "authorized entity"; amending ss. 1002.20 and 1002.42,
5 F.S.; authorizing a public school and a private
6 school, respectively, to enter into certain
7 arrangements with wholesale distributors or
8 manufacturers for epinephrine auto-injectors; revising
9 the storage requirements for epinephrine auto-
10 injectors; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (b) of subsection (2) of section
15 381.88, Florida Statutes, is amended to read:

16 381.88 Emergency allergy treatment.—

17 (2) As used in this section and s. 381.885, the term:

18 (b) "Authorized entity" means an entity or organization at
19 or in connection with which allergens capable of causing a
20 severe allergic reaction may be present. The term includes, but
21 is not limited to, restaurants, recreation camps, youth sports
22 leagues, theme parks and resorts, and sports arenas. However, a
23 school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is
24 an authorized entity for the purposes of s. 381.885(4) and (5)
25 ~~subsection (5)~~ only.

26 Section 2. Paragraph (i) of subsection (3) of section
27 1002.20, Florida Statutes, is amended to read:

28 1002.20 K-12 student and parent rights.—Parents of public
29 school students must receive accurate and timely information
30 regarding their child's academic progress and must be informed
31 of ways they can help their child to succeed in school. K-12

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32 students and their parents are afforded numerous statutory
33 rights including, but not limited to, the following:

34 (3) HEALTH ISSUES.—

35 (i) *Epinephrine use and supply.*—

36 1. A student who has experienced or is at risk for life-
37 threatening allergic reactions may carry an epinephrine auto-
38 injector and self-administer epinephrine by auto-injector while
39 in school, participating in school-sponsored activities, or in
40 transit to or from school or school-sponsored activities if the
41 school has been provided with parental and physician
42 authorization. The State Board of Education, in cooperation with
43 the Department of Health, shall adopt rules for such use of
44 epinephrine auto-injectors that shall include provisions to
45 protect the safety of all students from the misuse or abuse of
46 auto-injectors. A school district, county health department,
47 public-private partner, and their employees and volunteers shall
48 be indemnified by the parent of a student authorized to carry an
49 epinephrine auto-injector for any and all liability with respect
50 to the student's use of an epinephrine auto-injector pursuant to
51 this paragraph.

52 2. A public school may purchase a supply of epinephrine
53 auto-injectors from a wholesale distributor as defined in s.
54 499.003 or may enter into an arrangement with a wholesale
55 distributor or manufacturer as defined in s. 499.003 for the
56 epinephrine auto-injectors at fair-market, free, or reduced
57 prices for use in the event a student has an anaphylactic
58 reaction. The epinephrine auto-injectors must be maintained and
59 ~~maintain~~ in a locked, secure location on the public school's ~~its~~
60 ~~premises a supply of epinephrine auto-injectors for use if a~~

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61 ~~student is having an anaphylactic reaction.~~ The participating
62 school district shall adopt a protocol developed by a licensed
63 physician for the administration by school personnel who are
64 trained to recognize an anaphylactic reaction and to administer
65 an epinephrine auto-injection. The supply of epinephrine auto-
66 injectors may be provided to and used by a student authorized to
67 self-administer epinephrine by auto-injector under subparagraph
68 1. or trained school personnel.

69 3. The school district and its employees, and agents, and
70 ~~including~~ the physician who provides the standing protocol for
71 school epinephrine auto-injectors, ~~are~~ are not liable for any injury
72 arising from the use of an epinephrine auto-injector
73 administered by trained school personnel who follow the adopted
74 protocol and whose professional opinion is that the student is
75 having an anaphylactic reaction:

76 a. Unless the trained school personnel's action is willful
77 and wanton;

78 b. Notwithstanding that the parents or guardians of the
79 student to whom the epinephrine is administered have not been
80 provided notice or have not signed a statement acknowledging
81 that the school district is not liable; and

82 c. Regardless of whether authorization has been given by
83 the student's parents or guardians or by the student's
84 physician, physician's assistant, or advanced registered nurse
85 practitioner.

86 Section 3. Subsection (17) of section 1002.42, Florida
87 Statutes, is amended to read:

88 1002.42 Private schools.—

89 (17) EPINEPHRINE SUPPLY.—

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90 (a) A private school may purchase a supply of epinephrine
91 auto-injectors from a wholesale distributor as defined in s.
92 499.003 or may enter into an arrangement with a wholesale
93 distributor or manufacturer as defined in s. 499.003 for the
94 epinephrine auto-injectors at fair-market, free, or reduced
95 prices for use in the event a student has an anaphylactic
96 reaction. The epinephrine auto-injectors must be maintained and
97 maintain in a ~~locked,~~ secure location on the private school's
98 ~~its premises a supply of epinephrine auto-injectors for use if a~~
99 ~~student is having an anaphylactic reaction.~~ The participating
100 private school shall adopt a protocol developed by a licensed
101 physician for the administration by private school personnel who
102 are trained to recognize an anaphylactic reaction and to
103 administer an epinephrine auto-injection. The supply of
104 epinephrine auto-injectors may be provided to and used by a
105 student authorized to self-administer epinephrine by auto-
106 injector under s. 1002.20(3)(i) or trained school personnel.

107 (b) The private school and its employees, ~~and~~ agents, and
108 ~~including~~ the physician who provides the standing protocol for
109 school epinephrine auto-injectors, ~~are~~ not liable for any injury
110 arising from the use of an epinephrine auto-injector
111 administered by trained school personnel who follow the adopted
112 protocol and whose professional opinion is that the student is
113 having an anaphylactic reaction:

114 1. Unless the trained school personnel's action is willful
115 and wanton;

116 2. Notwithstanding that the parents or guardians of the
117 student to whom the epinephrine is administered have not been
118 provided notice or have not signed a statement acknowledging

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119 that the school district is not liable; and

120 3. Regardless of whether authorization has been given by
121 the student's parents or guardians or by the student's
122 physician, physician's assistant, or advanced registered nurse
123 practitioner.

124 Section 4. This act shall take effect July 1, 2016.