

1                                   A bill to be entitled  
 2           An act relating to student health; amending s. 381.88,  
 3           F.S.; revising the definition "authorized entity";  
 4           amending ss. 1002.20 and 1002.42, F.S.; authorizing a  
 5           public school or private school to receive for free or  
 6           purchase at fair market value or at a reduced price a  
 7           supply of epinephrine auto-injectors from certain  
 8           entities; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (b) of subsection (2) of section  
 13   381.88, Florida Statutes, is amended to read:

14           381.88 Emergency allergy treatment.—

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

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

24           Section 2. Paragraph (i) of subsection (3) of section  
 25   1002.20, Florida Statutes, is amended to read:

26           1002.20 K-12 student and parent rights.—Parents of public

27 | school students must receive accurate and timely information  
28 | regarding their child's academic progress and must be informed  
29 | of ways they can help their child to succeed in school. K-12  
30 | students and their parents are afforded numerous statutory  
31 | rights including, but not limited to, the following:

32 | (3) HEALTH ISSUES.—

33 | (i) Epinephrine use and supply.—

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

50 | 2. A public school may receive for free or purchase from a  
51 | manufacturer or wholesale distributor as defined in s. 499.003  
52 | at fair market value or reduced price and maintain in a locked,

53 | secure location on its premises a supply of epinephrine auto-  
54 | injectors for use if a student is having an anaphylactic  
55 | reaction. The participating school district shall adopt a  
56 | protocol developed by a licensed physician for the  
57 | administration by school personnel who are trained to recognize  
58 | an anaphylactic reaction and to administer an epinephrine auto-  
59 | injection. The supply of epinephrine auto-injectors may be  
60 | provided to and used by a student authorized to self-administer  
61 | epinephrine by auto-injector under subparagraph 1. or trained  
62 | school personnel.

63 |         3. The school district and its employees and agents, and  
64 | ~~including~~ the physician who provides the standing protocol for  
65 | school epinephrine auto-injectors, are not liable for any injury  
66 | arising from the use of an epinephrine auto-injector  
67 | administered by trained school personnel who follow the adopted  
68 | protocol and whose professional opinion is that the student is  
69 | having an anaphylactic reaction:

70 |             a. Unless the trained school personnel's action is willful  
71 | and wanton;

72 |             b. Notwithstanding that the parents or guardians of the  
73 | student to whom the epinephrine is administered have not been  
74 | provided notice or have not signed a statement acknowledging  
75 | that the school district is not liable; and

76 |             c. Regardless of whether authorization has been given by  
77 | the student's parents or guardians or by the student's  
78 | physician, physician's assistant, or advanced registered nurse

79 practitioner.

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

82 1002.42 Private schools.—

83 (17) EPINEPHRINE SUPPLY.—

84 (a) A private school may receive for free or purchase from  
85 a manufacturer or wholesale distributor as defined in s. 499.003  
86 at fair market value or reduced price and maintain in a locked,  
87 secure location on its premises a supply of epinephrine auto-  
88 injectors for use if a student is having an anaphylactic  
89 reaction. The participating private school shall adopt a  
90 protocol developed by a licensed physician for the  
91 administration by private school personnel who are trained to  
92 recognize an anaphylactic reaction and to administer an  
93 epinephrine auto-injection. The supply of epinephrine auto-  
94 injectors may be provided to and used by a student authorized to  
95 self-administer epinephrine by auto-injector under s.  
96 1002.20(3)(i) or trained school personnel.

97 (b) The private school and its employees and agents, and  
98 ~~including~~ the physician who provides the standing protocol for  
99 school epinephrine auto-injectors, are not liable for any injury  
100 arising from the use of an epinephrine auto-injector  
101 administered by trained school personnel who follow the adopted  
102 protocol and whose professional opinion is that the student is  
103 having an anaphylactic reaction:

104 1. Unless the trained school personnel's action is willful

HB 1305

2016

105 and wanton;

106 2. Notwithstanding that the parents or guardians of the  
107 student to whom the epinephrine is administered have not been  
108 provided notice or have not signed a statement acknowledging  
109 that the school district is not liable; and

110 3. Regardless of whether authorization has been given by  
111 the student's parents or guardians or by the student's  
112 physician, physician's assistant, or advanced registered nurse  
113 practitioner.

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