



2013 SENATE BILL 416

December 3, 2013 – Introduced by Senators OLSEN and GUDEx, cosponsored by Representatives PASCH, A. OTT, BERCEAU, BILLINGS, T. LARSON and OHNSTAD. Referred to Committee on Education.

1 **AN ACT** *to create* 118.292 (1v) and 118.292 (2) (c) of the statutes; **relating to:** a
2 pupil’s possession and use of an epinephrine auto–injector.

Analysis by the Legislative Reference Bureau

Under current law, a pupil may possess and use an epinephrine auto–injector while in a public, private, or tribal school, at a school–sponsored activity, or under the supervision of a school authority if the pupil uses the injector to prevent the onset or alleviate the symptoms of an emergency situation. An emergency situation is a situation in which a pupil reasonably believes that he or she is experiencing a severe allergic reaction, including anaphylaxis, that requires the administration of epinephrine to avoid severe injury or death.

In order to possess and use an epinephrine auto–injector while in school, current law requires the pupil to obtain the written approval of the pupil’s physician and, if the pupil is a minor, the written approval of the pupil’s parent or guardian, and to provide the school principal with a copy of the approval or approvals.

This bill requires the governing body of each school to adopt a written policy describing the procedure for a pupil’s possession and use of an epinephrine auto–injector. The policy must require that school employees do the following:

1. Inform the pupil that if he or she uses an epinephrine auto–injector, he or she must notify a school employee as soon as possible.
2. If the pupil notifies a school employee, report the pupil’s use of the epinephrine auto–injector by dialing “911.”

The bill also exempts school boards and districts, private schools, and tribal schools, and their employees, from civil liability for an injury incurred by any person

