HB156
159526-Z
By Representative Tuggle
RFD: Education Policy
First Read: 14-JAN-14
ENROLLED, An Act,

Relating to public K-12 education; to require the State Department of Education to develop, and each local board of education to adopt and implement, an anaphylaxis preparedness program commencing with the 2015-2016 scholastic year; to authorize the local board of education to collaborate with a physician to develop and maintain a protocol for emergency response that includes a supply of premeasured, autoinjectable epinephrine on each public school campus; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The State Department of Education shall develop an anaphylaxis preparedness program to be adopted by each local board of education and implemented in each K-12 public school commencing with the 2015-2016 scholastic year. The Alabama State Board of Pharmacy shall provide guidance, direction, and advice to the State Department of Education in developing and administering the anaphylaxis preparedness program.
The anaphylaxis preparedness program shall incorporate the following three levels of prevention initiated by licensed public school nurses as a part of the health services program:

1. Level I, primary prevention: Education programs that address food allergies and anaphylaxis through both classroom and individual instruction for staff and students.


3. Level III, tertiary prevention: The development of a planned response to anaphylaxis-related emergencies in the school setting.

Each local board of education may collaborate with a physician to develop and maintain a protocol for emergency response that shall include a supply of premeasured, autoinjectable epinephrine on each public school campus to treat potentially life threatening allergic reactions. Single dose autoinjectable epinephrine may be administered or provided to school children by the school nurse, or unlicensed school personnel who have completed an anaphylaxis training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other medication administration program approved by the State Department of Education and State Board of
Nursing. Training may be conducted online or in person and, at a minimum, shall cover each of the following:

(1) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis.

(2) Standards and procedures for the storage and administration of an autoinjectable epinephrine.

(3) Emergency follow-up procedures.

(d) A school that possesses and makes available autoinjectable epinephrine and its employees, agents, and other trained personnel, and any person who conducts the training described in subsection (c), shall be immune from suit and not liable for any civil damages resulting from any acts or omissions in the supervision or rendering of services, care, or assistance to a student under this section, nor for any civil damages resulting from any act, or failure to act, to provide or arrange for further treatment, care, or assistance. No information or protocols produced related to this section shall be construed to establish a standard of care for physicians or otherwise modify, amend, or supersede any provision of the Alabama Medical Liability Act of 1996, commencing with Section 6-5-540, Code of Alabama 1975, or any amendment thereto, or any judicial interpretation thereof. Any provision of law to the contrary notwithstanding, a physician who is consulted or participates in regard to anaphylaxis-related emergencies, or develops, maintains, or is
otherwise associated with, a protocol under this section, or
takes any other action associated with, or related to, this
section, is immune from all civil and criminal liability for
any such acts.

(e) The requirement that a supply of premeasured,
autoinjectable epinephrine be secured and maintained on each
public school campus shall only be enforced if funding is
provided by the state.

Section 2. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended, because the
bill requires expenditures only by a school board.

Section 3. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey
President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 13-FEB-14, as amended.

Jeff Woodard
Clerk

Senate 03-APR-14
Amended and Passed

House 03-APR-14
Concurred in Senate Amendment

APPROVED April 9, 2014

TIME 1:15 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2014-405
Bill Num....: H-156
Recvd 04/09/14 04:16pmSLF
I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 156.

YEAS 89 NAYS 0

JEFF WOODARD, Clerk


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CONFERENCE COMMITTEE

House Conferees

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 156.

YEAS 29 NAYS 1

PATRICK HARRIS, Secretary