

ACT #2014-405.

1 HB156  
2 159526-2  
3 By Representative Tuggle  
4 RFD: Education Policy  
5 First Read: 14-JAN-14



1  
2 ENROLLED, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18           Section 1. (a) The State Department of Education  
19 shall develop an anaphylaxis preparedness program to be  
20 adopted by each local board of education and implemented in  
21 each K-12 public school commencing with the 2015-2016  
22 scholastic year. The Alabama State Board of Pharmacy shall  
23 provide guidance, direction, and advice to the State  
24 Department of Education in developing and administering the  
25 anaphylaxis preparedness program.

1           (b) The anaphylaxis preparedness program shall  
2 incorporate the following three levels of prevention initiated  
3 by licensed public school nurses as a part of the health  
4 services program:

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

8           (2) Level II, secondary prevention: Identification  
9 and management of chronic illness.

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

13          (c) Each local board of education may collaborate  
14 with a physician to develop and maintain a protocol for  
15 emergency response that shall include a supply of premeasured,  
16 autoinjectable epinephrine on each public school campus to  
17 treat potentially life threatening allergic reactions. Single  
18 dose autoinjectable epinephrine may be administered or  
19 provided to school children by the school nurse, or unlicensed  
20 school personnel who have completed an anaphylaxis training  
21 program conducted by a nationally recognized organization  
22 experienced in training laypersons in emergency health  
23 treatment or other medication administration program approved  
24 by the State Department of Education and State Board of

1 Nursing. Training may be conducted online or in person and, at  
 2 a minimum, shall cover each of the following:

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

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

7 (3) Emergency follow-up procedures.

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

1 otherwise associated with, a protocol under this section, or  
2 takes any other action associated with, or related to, this  
3 section, is immune from all civil and criminal liability for  
4 any such acts.

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

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

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

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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	<u>03-APR-14</u>	Amended and Passed
House	<u>03-APR-14</u>	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

Recv'd 04/09/14 04:16pmSLF

VSOR

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SPONSORS

HOUSE ACTION

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

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SENATE ACTION

DATE: 2-13 2014

RD 1 RFD Health

This Bill was referred to the Standing Committee of the Senate on

Health

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of

yeas 5 nays 6 abstain \_\_\_\_\_

this 14th day of February 2014

James J. [Signature] Chairperson

DATE: 2-26 2014

RF FAU RD 2 CAI

DATE: \_\_\_\_\_ 20\_\_\_\_

RE-REFERRED  RE-COMMITTED   
Committee \_\_\_\_\_

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 15

YEAS 29 NAYS 1

PATRICK HARRIS, Secretary