

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1221 Session of 2023

INTRODUCED BY WARREN, SANCHEZ, HILL-EVANS, CIRESI, MADDEN,
BURGOS AND FLEMING, MAY 24, 2023

REFERRED TO COMMITTEE ON EDUCATION, MAY 24, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, further
6 providing for possession and use of asthma inhalers and
7 epinephrine auto-injectors and providing for school
8 administration of adrenal insufficiency medication.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1414.1(a), (b), (d) and (f) (1) and (3) of
12 the act of March 10, 1949 (P.L.30, No.14), known as the Public
13 School Code of 1949, are amended to read:

14 Section 1414.1. Possession and Use of Asthma Inhalers [and],
15 Epinephrine Auto-Injectors and Adrenal Insufficiency
16 Medications.--(a) Each school entity shall develop a written
17 policy to allow for the possession and self-administration by
18 children of school age of asthma inhalers [and], epinephrine
19 auto-injectors and adrenal insufficiency medications, and the
20 prescribed medication to be administered thereby, in a school
21 setting. The policy shall comply with [section 504 of the

1 Rehabilitation Act of 1973 (Public Law 93-112,] 29 U.S.C. § 794
2 (relating to nondiscrimination under Federal grants and
3 programs) and 22 Pa. Code Ch. 15 (relating to protected
4 handicapped students). The policy shall be distributed with the
5 code of student conduct required under 22 Pa. Code § 12.3(c)
6 (relating to school rules) and made available on the school
7 entity's publicly accessible Internet website, if any.

8 (b) The policy under this section shall require a child of
9 school age that desires to possess and self-administer an asthma
10 inhaler [or], epinephrine auto-injector or adrenal insufficiency
11 medication in a school setting to demonstrate the capability for
12 self-administration and for responsible behavior in the use
13 thereof and to notify the school nurse immediately following
14 each use of an asthma inhaler [or], epinephrine auto-injector or
15 adrenal insufficiency medication. The school entity shall
16 develop a system whereby the child may demonstrate competency to
17 the school nurse that the child is capable of self-
18 administration and has permission for carrying and taking the
19 medication through the use of the asthma inhaler [or],
20 epinephrine auto-injector or adrenal insufficiency medication.
21 Determination of competency for self-administration shall be
22 based on age, cognitive function, maturity and demonstration of
23 responsible behavior. The school entity shall also restrict the
24 availability of the asthma inhaler, the epinephrine auto-
25 injector, the adrenal insufficiency medication and the
26 prescribed medication contained therein from other children of
27 school age. The policy shall specify conditions under which a
28 student may lose the privilege to self-carry the asthma inhaler,
29 the epinephrine auto-injector, the adrenal insufficiency
30 medication and the medication if the school policies are abused

1 or ignored. A school entity that prevents a student from self-
2 carrying an asthma inhaler [or], epinephrine auto-injector or
3 adrenal insufficiency medication and the prescribed medication
4 shall ensure that they are appropriately stored at locations in
5 close proximity to the student prohibited from self-carrying and
6 notify the student's classroom teachers of the places where the
7 asthma inhaler [or], epinephrine auto-injector or adrenal
8 insufficiency medication and medication are to be stored and the
9 means to access them.

10 * * *

11 (d) [As used in this section, "school entity"] For purposes
12 of this section:

13 "Adrenal insufficiency medication" means a medication that
14 treats adrenal insufficiency.

15 "School entity" means a school district, intermediate unit,
16 charter school or area career and technical school.

17 * * *

18 (f) Within one hundred twenty (120) days of the effective
19 date of this subsection, the Department of Health in
20 coordination with the Department of Education shall provide
21 technical assistance and resources and publish information on
22 the Department of Health's publicly accessible Internet website
23 regarding the administration of medication for allergies and
24 adrenal insufficiency by persons employed by a school entity,
25 including the following:

26 (1) Proper use and administration of epinephrine devices and
27 adrenal insufficiency medications.

28 * * *

29 (3) Recognition of the symptoms of a severe allergic
30 reaction or adrenal crisis.

1 * * *

2 Section 2. The act is amended by adding a section to read:

3 Section 1414.12. School Administration of Adrenal

4 Insufficiency Medication.--(a) A school entity or nonpublic

5 school may authorize a trained school employe to administer to a

6 student an adrenal insufficiency medication that the student's

7 parent or legal guardian has provided to the school employe

8 trained under subsection (c) for the school entity or nonpublic

9 school if the trained school employe believes in good faith that

10 the student is having an adrenal crisis.

11 (b) A school entity or nonpublic school that authorizes the

12 administration of adrenal insufficiency medication under this

13 section shall designate one or more school employes at each

14 school who shall be responsible for the storage and use of the

15 adrenal insufficiency medication.

16 (c) School employes who are responsible for the storage and

17 use of adrenal insufficiency medication must successfully

18 complete a training program that shall be developed and

19 implemented by the Department of Health within ninety (90) days

20 of the effective date of this section.

21 (d) The student's adrenal insufficiency medication provided

22 to the school entity or nonpublic school by the student's parent

23 or legal guardian for storage may be utilized in either of the

24 following ways:

25 (1) Provided to a student by the trained school employe and

26 utilized by a student authorized to self-administer.

27 (2) Administered to a student by the trained school employe

28 authorized to administer adrenal insufficiency medication under

29 subsection (a).

30 (e) In the event a student is believed to be having an

1 adrenal crisis, the school nurse or school employe trained under
2 subsection (c) shall contact local emergency services as soon as
3 possible.

4 (f) The provisions of 42 Pa.C.S. §§ 8332 (relating to
5 emergency response provider and bystander good Samaritan civil
6 immunity) and 8337.1 (relating to civil immunity of school
7 officers or employees relating to emergency care, first aid and
8 rescue) shall apply to a person authorized under this section to
9 administer an adrenal insufficiency medication.

10 (g) Administration of an adrenal insufficiency medication
11 under this section shall comply with 29 U.S.C. § 794 (relating
12 to nondiscrimination under Federal grants and programs) and 22
13 Pa. Code Ch. 15 (relating to protected handicapped students).

14 (h) For purposes of this section:

15 "Adrenal crisis" means a sudden, severe worsening of symptoms
16 associated with adrenal insufficiency, such as severe pain in
17 the lower back, abdomen or legs, vomiting, diarrhea,
18 dehydration, low blood pressure or loss of consciousness.

19 "Adrenal insufficiency" means a hormonal disorder that occurs
20 when the adrenal glands do not produce enough adrenal hormones.

21 "Adrenal insufficiency medication" means a medication that
22 treats adrenal insufficiency.

23 "Nonpublic school" shall have the same meaning as defined in
24 section 1502-M.

25 "School entity" means a school district, intermediate unit,
26 charter school, cyber charter school, regional charter school or
27 area career and technical school.

28 Section 3. This act shall take effect in 60 days.