

1 AN ACT relating to undesignated glucagon.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act:*

6 *(1) "Administer" means to directly apply glucagon;*

7 *(2) "Authorized entity" means a public, private, or parochial school that has a*
8 *trained individual present on the premises or officially associated with the entity*
9 *who is trained as required under Section 2 of this Act;*

10 *(3) "Diabetes medical management plan" means a written, individualized health*
11 *plan designed to acknowledge and prepare for the health care needs of a student*
12 *diagnosed with diabetes that is prepared by the student's treating practitioner or*
13 *practitioner team;*

14 *(4) "Practitioner" has the same meaning as in KRS 217.015;*

15 *(5) "Trained individual" means an individual who successfully completes an*
16 *approved education training program pursuant to KRS 158.838; and*

17 *(6) "Undesignated glucagon" means glucagon prescribed in the name of an*
18 *authorized entity or trained individual.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
20 READ AS FOLLOWS:

21 *(1) A practitioner, acting within the practitioner's scope of practice, may prescribe*
22 *glucagon in the name of an authorized entity or trained individual for use in*
23 *accordance with this section.*

24 *(2) A pharmacist may dispense glucagon for a prescription issued in the name of an*
25 *authorized entity or trained individual.*

26 *(3) A trained individual who has completed the training requirements under KRS*
27 *158.838 may:*

- 1 (a) Receive a prescription for undesignated glucagon from a practitioner or
2 pharmacist; and
- 3 (b) Administer undesignated glucagon in an emergency situation when a
4 school nurse or other licensed practitioner is not immediately available and
5 the trained individual believes in good faith that a person is experiencing
6 severe hypoglycemia or other conditions noted in that person's diabetes
7 medical management plan, regardless of whether the person has a
8 prescription for glucagon.
- 9 (4) An authorized entity that acquires and stocks a supply of undesignated glucagon
10 with a valid prescription shall:
- 11 (a) Store the undesignated glucagon in accordance with the manufacturer's
12 instructions and with any additional requirements established by the
13 Department for Public Health; and
- 14 (b) Designate an employee or agent who has been trained pursuant to KRS
15 158.838 to be responsible for the storage, maintenance, and general
16 oversight of the undesignated glucagon acquired by the authorized entity.
- 17 (5) Any trained individual or authorized entity that administers or provides
18 undesignated glucagon to a person who is experiencing severe hypoglycemia or
19 other conditions noted in that person's diabetes medical management plan shall
20 contact the person's parent, guardian, or emergency contact, and local
21 emergency medical services as soon as possible.
- 22 (6) Any trained individual or authorized entity that acquires and stocks a supply of
23 undesignated glucagon in accordance with this section shall notify an agent of
24 the local emergency medical services and the local emergency communications or
25 dispatch center of the existence, location, and type of glucagon devices acquired
26 if severe hypoglycemia or other condition noted in a person's diabetes medical
27 management plan has occurred.

1 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any individual or entity that, in good faith and without compensation, renders
4 emergency care or treatment by the use of undesignated glucagon shall be
5 immune from civil liability for any personal injury resulting from the care or
6 treatment, or resulting from any act or failure to act in providing or arranging
7 further medical treatment, if the person acts as an ordinary, reasonably prudent
8 person would have acted under the same or similar circumstances.

9 (2) The immunity under subsection (1) of this section applies to:

10 (a) A practitioner who prescribes or authorizes the emergency use of
11 undesignated glucagon;

12 (b) A pharmacist who fills a prescription for undesignated glucagon;

13 (c) A trained individual who provides or administers undesignated glucagon;

14 (d) An authorized entity who stores or provides undesignated glucagon to a
15 trained individual; and

16 (e) An individual trainer or training entity providing the required training to a
17 trained individual.

18 (3) The immunity subsection (1) of this section shall not apply if the personal injury
19 results from the gross negligence or willful or wanton misconduct of the person
20 rendering the care or treatment.

21 (4) The requirements of subsection (5) of Section 2 of this Act shall not apply to any
22 individual who provides or administers undesignated glucagon if that individual
23 is acting as a Good Samaritan under KRS 313.035 and 411.148.