

1 AN ACT relating to intranasal epinephrine.

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

3 ➔Section 1. KRS 158.832 is amended to read as follows:

4 As used in KRS 158.830 to 158.838:

- 5 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following
6 prior contact with an antigen which can be a life-threatening emergency.
7 Anaphylaxis may be triggered by, among other agents, foods, drugs, injections,
8 insect stings, and physical activity;
- 9 (2) "Bronchodilator rescue inhaler" means medication used to relieve asthma
10 symptoms or respiratory distress along with devices and device components needed
11 to appropriately administer the medication, including but not limited to disposable
12 spacers;
- 13 (3) "Medications" means all medicines individually prescribed by a health care
14 practitioner for the student that pertain to his or her asthma or are used to treat
15 anaphylaxis, including but not limited to injectable *or intranasal* epinephrine
16 devices or bronchodilator rescue inhalers;
- 17 (4) "Health care practitioner" means a physician or other health care provider who has
18 prescriptive authority;
- 19 (5) "Self-administration" means the student's use of his or her prescribed asthma or
20 anaphylaxis medications, pursuant to prescription or written direction from the
21 health care practitioner; and
- 22 (6) "Seizure action plan" means a written, individualized health plan designed to
23 acknowledge and prepare for the health care needs of a student diagnosed with a
24 seizure disorder that is prepared by the student's treating physician.

25 ➔Section 2. KRS 158.836 is amended to read as follows:

- 26 (1) Upon fulfilling the requirements of KRS 158.834, a student with asthma or a
27 student who is at risk of having anaphylaxis may possess and use medications to

1 treat the asthma or anaphylaxis when at school, at a school-sponsored activity,
2 under the supervision of school personnel, or before and after normal school
3 activities while on school properties including school-sponsored child care or after-
4 school programs.

5 (2) A student who has a documented life-threatening allergy shall have:

6 (a) An injectable *or intranasal* epinephrine device provided by his or her parent
7 or guardian in his or her possession or in the possession of the school nurse,
8 school administrator, or his or her designee in all school environments that the
9 student may be in, including the classroom, the cafeteria, the school bus, and
10 on field trips; and

11 (b) A written individual health care plan in place for the prevention and proactive
12 management for the student in all school environments that the student may
13 be in, including the classroom, the cafeteria, the school bus, and on field trips.
14 The individual health care plan required under this paragraph may be
15 incorporated in the student's individualized education program required under
16 Pub. L. No. 94-142 or the student's 504 plan required under Pub. L. No. 93-
17 112.

18 (3) (a) Each school is encouraged to keep an injectable *or intranasal* epinephrine
19 device in a minimum of two (2) locations in the school, including but not
20 limited to the school office and the school cafeteria, so that epinephrine may
21 be administered to any student believed to be having a life-threatening allergic
22 or anaphylactic reaction. Schools electing to keep injectable *or intranasal*
23 epinephrine devices shall maintain them in a secure, accessible, but unlocked
24 location. The provisions of this paragraph shall apply to the extent that the
25 injectable *or intranasal* epinephrine devices are donated to a school or a
26 school has sufficient funding to purchase the injectable *or intranasal*
27 epinephrine devices.

- 1 (b) Each school is encouraged to keep a bronchodilator rescue inhaler in a
2 minimum of two (2) locations in the school, including but not limited to the
3 school office and athletic office, so that bronchodilator rescue inhalers may be
4 administered to any student believed to be having asthma symptoms or
5 respiratory distress. Schools electing to keep bronchodilator rescue inhalers
6 shall maintain them in a secure, accessible, but unlocked location. The
7 provisions of this paragraph shall apply to the extent that the bronchodilator
8 rescue inhalers are donated to a school or a school has sufficient funding to
9 purchase the bronchodilator rescue inhalers.
- 10 (c) Each school electing to keep injectable *or intranasal* epinephrine devices or
11 bronchodilator rescue inhalers shall implement policies and procedures for
12 managing a student's life-threatening allergic reaction, anaphylactic reaction,
13 or asthma developed and approved by the local school board.
- 14 (d) The Kentucky Department for Public Health shall develop clinical protocols
15 in the school health section of the Core Clinical Service Guide manual that is
16 maintained in the county or district public health department to address
17 injectable *or intranasal* epinephrine devices and bronchodilator rescue
18 inhalers kept by schools under this subsection and to advise on clinical
19 administration of the injectable *or intranasal* epinephrine devices and
20 bronchodilator rescue inhalers. The protocols shall be developed in
21 collaboration with local health departments or local clinical providers and
22 local schools and local school districts.
- 23 (4) Any school employee authorized under KRS 156.502 to administer medication
24 shall not be liable for any civil damages for ordinary negligence in acts or
25 omissions resulting from the administration or the assistance in the administration
26 of epinephrine or a bronchodilator rescue inhaler to any student believed in good
27 faith to be having a life-threatening allergic or anaphylactic reaction or asthma

1 symptoms or respiratory distress.