

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 4 of this Act:*

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

7 *(2) "Authorized entity" means a public, private, or parochial school that has a*
8 *trained individual who is:*

9 *(a) Present on the premises or officially associated with the entity; and*

10 *(b) Trained as required under Section 2 of this Act to administer undesignated*
11 *glucagon;*

12 *(3) "Diabetes medical management plan" means a written, individualized diabetes*
13 *care plan prepared by the student's treating diabetes practitioner or practitioner*
14 *team that prescribes or directs how the student's diabetes needs may be met in the*
15 *school setting, including the administration of undesignated glucagon;*

16 *(4) "Pharmacist" has the same meaning as in KRS 315.010;*

17 *(5) "Practitioner" has the same meaning as in KRS 217.015;*

18 *(6) "Trained individual" means a school employee or contractor who has*
19 *successfully completed an approved education training program under KRS*
20 *158.838; and*

21 *(7) "Undesignated glucagon" means glucagon prescribed in the name of an*
22 *authorized entity in accordance with Sections 1 to 4 of this Act.*

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

25 *(1) A practitioner, acting within the practitioner's scope of practice, may prescribe*
26 *undesignated glucagon in the name of an authorized entity for use in accordance*
27 *with this section.*

- 1 (2) A pharmacist may dispense undesignated glucagon for a prescription issued in
2 the name of an authorized entity.
- 3 (3) A trained individual may administer undesignated glucagon in an emergency
4 situation when a school nurse or other licensed practitioner is not immediately
5 available and the trained individual believes in good faith that a student is
6 experiencing severe hypoglycemia or other conditions noted in that student's
7 diabetes medical management plan.
- 8 (4) An authorized entity that acquires and stocks a supply of undesignated glucagon
9 with a valid prescription shall:
- 10 (a) Store the undesignated glucagon in accordance with the manufacturer's
11 instructions, in a location that is immediately accessible to trained
12 individuals, and with any additional requirements established by the
13 Department for Public Health; and
- 14 (b) Require a school nurse or a trained individual to be responsible for the
15 storage, maintenance, and general oversight of the undesignated glucagon
16 acquired by the authorized entity.
- 17 (5) Any authorized entity or trained individual that acquires and stocks a supply of
18 undesignated glucagon in accordance with this section shall notify the assigned
19 school nurse or other school health care provider, an agent of the local
20 emergency medical services, and the local emergency communications or
21 dispatch center of the existence, location, and type of glucagon acquired.
- 22 (6) Any authorized entity or trained individual that administers or provides
23 undesignated glucagon to a student who is experiencing severe hypoglycemia or
24 other conditions noted in that student's diabetes medical management plan shall
25 contact the student's parent, guardian, or emergency contact, and local
26 emergency medical services as soon as possible.
- 27 (7) The requirements of subsection (6) of this section shall not apply to any

1 individual who administers or provides undesignated glucagon if that individual
2 is acting as a Good Samaritan under KRS 313.035 and 411.148.

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

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

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

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

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

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

17 (d) An authorized entity that acquires and stocks undesignated glucagon, or
18 provides undesignated glucagon to a trained individual; and

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

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

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

26 The Cabinet for Health and Family Services, in consultation with the American
27 Diabetes Association, shall promulgate administrative regulations in accordance with

- 1 *KRS Chapter 13A to establish requirements and procedures to implement Sections 1 to*
- 2 *4 of this Act.*