

**Introduced by Senator Huff**

February 27, 2015

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An act to amend Section 49414 of the Education Code, relating to pupil health.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 744, as introduced, Huff. Pupil health: epinephrine auto-injectors.

Existing law requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses and trained personnel who have volunteered, as specified, and would authorize school nurses and trained personnel to use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. Existing law defines terms to be used for purposes of these provisions.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 49414 of the Education Code is amended
- 2     to read:
- 3     49414. (a) School districts, county offices of education, and
- 4     charter schools shall provide emergency epinephrine auto-injectors
- 5     to school nurses or trained personnel who have volunteered
- 6     pursuant to subdivision (d), and school nurses or trained personnel
- 7     may use epinephrine auto-injectors to provide emergency medical

1 aid to persons suffering, or reasonably believed to be suffering,  
2 from an anaphylactic reaction.

3 (b) For purposes of this section, the following terms have the  
4 following meanings:

5 (1) “Anaphylaxis” means a potentially life-threatening  
6 hypersensitivity to a substance.

7 (A) Symptoms of anaphylaxis may include shortness of breath,  
8 wheezing, difficulty breathing, difficulty talking or swallowing,  
9 hives, itching, swelling, shock, or asthma.

10 (B) Causes of anaphylaxis may include, but are not *necessarily*  
11 limited to, an insect sting, food allergy, drug reaction, and exercise.

12 (2) “Authorizing physician and surgeon” may include, but is  
13 not *necessarily* limited to, a physician and surgeon employed by,  
14 or contracting with, a local educational agency, a medical director  
15 of the local health department, or a local emergency medical  
16 services director.

17 (3) “Epinephrine auto-injector” means a disposable drug delivery  
18 system with a spring-activated needle that is designed for  
19 emergency administration of epinephrine to provide rapid,  
20 convenient first aid for persons suffering a potentially fatal reaction  
21 to anaphylaxis.

22 (4) “Qualified supervisor of health” may include, but is not  
23 *necessarily* limited to, a school nurse.

24 (5) “Volunteer” or “trained personnel” means an employee who  
25 has volunteered to administer epinephrine auto-injectors to a person  
26 if the person is suffering, or reasonably believed to be suffering,  
27 from anaphylaxis, has been designated by a school, and has  
28 received training pursuant to subdivision (d).

29 (c) Each private elementary and secondary school in the state  
30 may voluntarily determine whether or not to make emergency  
31 epinephrine auto-injectors and trained personnel available at its  
32 school. In making this determination, a school shall evaluate the  
33 emergency medical response time to the school and determine  
34 whether initiating emergency medical services is an acceptable  
35 alternative to epinephrine auto-injectors and trained personnel. A  
36 private elementary or secondary school choosing to exercise the  
37 authority provided under this subdivision shall not receive state  
38 funds specifically for purposes of this subdivision.

39 (d) Each public and private elementary and secondary school  
40 in the state may designate one or more volunteers to receive initial

1 and annual refresher training, based on the standards developed  
2 pursuant to subdivision (e), regarding the storage and emergency  
3 use of an epinephrine auto-injector from the school nurse or other  
4 qualified person designated by an authorizing physician and  
5 surgeon.

6 (e) (1) Every five years, or sooner as deemed necessary by the  
7 Superintendent, the Superintendent shall review minimum  
8 standards of training for the administration of epinephrine  
9 auto-injectors that satisfy the requirements of paragraph (2). For  
10 purposes of this subdivision, the Superintendent shall consult with  
11 organizations and providers with expertise in administering  
12 epinephrine auto-injectors and administering medication in a school  
13 environment, including, but not limited to, the State Department  
14 of Public Health, the Emergency Medical Services Authority, the  
15 American Academy of Allergy, Asthma and Immunology, the  
16 California School Nurses Organization, the California Medical  
17 Association, the American Academy of Pediatrics, Food Allergy  
18 Research and Education, the California Society of Allergy, Asthma  
19 and Immunology, the American College of Allergy, Asthma and  
20 Immunology, the Stanford Allergy Center, and others.

21 (2) Training established pursuant to this subdivision shall include  
22 all of the following:

23 (A) Techniques for recognizing symptoms of anaphylaxis.

24 (B) Standards and procedures for the storage, restocking, and  
25 emergency use of epinephrine auto-injectors.

26 (C) Emergency followup procedures, including calling the  
27 emergency 911 telephone number and contacting, if possible, the  
28 pupil's parent and physician.

29 (D) Recommendations on the necessity of instruction and  
30 certification in cardiopulmonary resuscitation.

31 (E) Instruction on how to determine whether to use an adult  
32 epinephrine auto-injector or a junior epinephrine auto-injector,  
33 which shall include consideration of a pupil's grade level or age  
34 as a guideline of equivalency for the appropriate pupil weight  
35 determination.

36 (F) Written materials covering the information required under  
37 this subdivision.

38 (3) Training established pursuant to this subdivision shall be  
39 consistent with the most recent Voluntary Guidelines for Managing  
40 Food Allergies In Schools and Early Care and Education Programs

published by the federal Centers for Disease Control and Prevention and the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph (F) of paragraph (2).

(f) A school district, county office of education, or charter school shall distribute a notice at least once per school year to all staff that contains the following information:

(1) A description of the volunteer request stating that the request is for volunteers to be trained to administer an epinephrine auto-injector to a person if the person is suffering, or reasonably believed to be suffering, from anaphylaxis, as specified in subdivision (b).

(2) A description of the training that the volunteer will receive pursuant to subdivision (d).

(g) (1) A qualified supervisor of health at a school district, county office of education, or charter school shall obtain from an authorizing physician and surgeon a prescription for each school for epinephrine auto-injectors that, at a minimum, includes, for elementary schools, one regular epinephrine auto-injector and one junior epinephrine auto-injector, and for junior high schools, middle schools, and high schools, if there are no pupils who require a junior epinephrine auto-injector, one regular epinephrine auto-injector. A qualified supervisor of health at a school district, county office of education, or charter school shall be responsible for stocking the epinephrine auto-injector and restocking it if it is used.

(2) If a school district, county office of education, or charter school does not have a qualified supervisor of health, an administrator at the school district, county office of education, or charter school shall carry out the duties specified in paragraph (1).

(3) A prescription pursuant to this subdivision may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers.

(h) A school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer may administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available. If the epinephrine auto-injector is used it shall be restocked as soon

1 as reasonably possible, but no later than two weeks after it is used.  
2 Epinephrine auto-injectors shall be restocked before their expiration  
3 date.

4 (i) A volunteer shall initiate emergency medical services or  
5 other appropriate medical followup in accordance with the training  
6 materials retained pursuant to paragraph (4) of subdivision (e).

7 (j) A school district, county office of education, or charter school  
8 shall ensure that each employee who volunteers under this section  
9 will be provided defense and indemnification by the school district,  
10 county office of education, or charter school for any and all civil  
11 liability, in accordance with, but not limited to, that provided in  
12 Division 3.6 (commencing with Section 810) of Title 1 of the  
13 Government Code. This information shall be reduced to writing,  
14 provided to the volunteer, and retained in the volunteer's personnel  
15 file.

16 (k) A state agency, the department, or a public school may  
17 accept gifts, grants, and donations from any source for the support  
18 of the public school carrying out the provisions of this section,  
19 including, but not limited to, the acceptance of epinephrine  
20 auto-injectors from a manufacturer or wholesaler.