

By: Representative Paden

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 134

1 AN ACT TO REQUIRE EACH SCHOOL IN EVERY SCHOOL DISTRICT TO
 2 HAVE EPINEPHRINE AUTO-INJECTORS IN EACH EDUCATIONAL BUILDING,
 3 CENTRAL ADMINISTRATIVE OFFICE AND CAFETERIA, STORED IN A SECURE
 4 AND EASILY ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO
 5 DEFINE THE TERMS USED IN THIS ACT; TO REQUIRE EACH LOCAL SCHOOL
 6 BOARD TO ADOPT AND IMPLEMENT A POLICY REGARDING THE MAINTENANCE,
 7 STORAGE, ADMINISTRATION AND DISPOSAL OF EPINEPHRINE
 8 AUTO-INJECTORS; TO PRESCRIBE THE MINIMUM REQUIREMENTS OF THE
 9 POLICY; TO PROVIDE THAT ONLY LICENSED MEDICAL PROFESSIONALS OR
 10 SCHOOL PERSONNEL TRAINED BY LICENSED MEDICAL PROFESSIONALS ARE
 11 AUTHORIZED TO ADMINISTER AN EPINEPHRINE AUTO-INJECTOR FOR A PERSON
 12 IN EMERGENCY ANAPHYLAXIS; TO REQUIRE THE STATE DEPARTMENT OF
 13 HEALTH, IN CONSULTATION WITH THE STATE SUPERINTENDENT OF PUBLIC
 14 EDUCATION, TO ESTABLISH GUIDELINES FOR THE DEVELOPMENT OF POLICIES
 15 BY LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF
 16 HEALTH TO ADOPT RULES REGARDING THE MAINTENANCE, STORAGE,
 17 ADMINISTRATION AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS; TO
 18 AMEND SECTION 37-11-71, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
 19 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** As used in this act, the following terms have the
 22 meanings ascribed in this section unless the context clearly
 23 requires otherwise:

24 (a) "Anaphylaxis" means a sudden, severe and
 25 potentially life-threatening allergic reaction that occurs when a
 26 person is exposed to an allergen.



27 (b) "Epinephrine auto-injector" means a disposable
28 medical drug delivery device that contains a premeasured single
29 dose of epinephrine that is intended to be used to treat
30 anaphylaxis.

31 (c) "Licensed medical professional" means a physician,
32 physician assistant, advanced practice nurse, registered nurse or
33 school nurse who is appropriately licensed by the State of
34 Mississippi and is designated by a local school board to oversee
35 the district's epinephrine administration and training program.

36 (d) "School" means a public elementary or secondary
37 educational facility under the control of a local school board,
38 including all the instructional and subsidiary buildings situated
39 on the same campus, off-campus teaching locations and regional
40 centers under the jurisdiction of the school board.

41 (e) "School personnel" means an individual who is a
42 faculty or staff member of the local school district.

43 (f) "Trained designee" means a member of the school
44 personnel trained by a licensed medical professional in the
45 emergency administration of epinephrine via an auto-injector
46 mechanism.

47 **SECTION 2.** All public school districts shall comply with all
48 provisions of this act. Each school in every school district must
49 have, in each educational building, central administrative office
50 and cafeteria, epinephrine auto-injectors that are stored in a
51 secure and easily accessible location within each respective



52 building to be used by a licensed medical professional or trained
53 designee in the event of an emergency anaphylactic reaction.

54 **SECTION 3.** (1) Each school district shall adopt and
55 implement a policy regarding the maintenance, storage,
56 administration and disposal of epinephrine auto-injectors on
57 school property.

58 (2) The adopted policy must provide:

59 (a) That licensed medical professionals or school
60 personnel under the guidance of a licensed medical professional
61 who are authorized and trained may administer an epinephrine
62 auto-injector when the person, in good faith, reasonably believes
63 that an individual is experiencing anaphylaxis on the school
64 premises;

65 (b) That licensed medical professionals or school
66 personnel under the guidance of a licensed medical professional
67 who are authorized and trained may administer an epinephrine
68 auto-injector to a person who is reasonably believed to be
69 experiencing anaphylaxis at an off-campus event or while in
70 transit to or from an off-campus event sponsored by the school
71 district;

72 (c) That a trained designee is permitted to carry in a
73 secure but easily accessible location a supply of epinephrine
74 auto-injectors which is prescribed under a standing protocol from
75 a licensed physician;



76 (d) That the licensed medical professional has
77 responsibility for training designees in the administration of
78 epinephrine via an auto-injector mechanism and distributing
79 prescribed epinephrine auto-injectors to trained designees; and

80 (e) That a physician, physician assistant, advanced
81 practice nurse, registered nurse or school nurse who is
82 appropriately licensed by the State of Mississippi shall be
83 designated to serve as the licensed medical professional
84 authorized to:

85 (i) Establish and administer a standardized
86 training protocol for the emergency administration of epinephrine
87 by trained designees;

88 (ii) Ensure that trained designees have
89 satisfactorily completed the training protocol;

90 (iii) Obtain a supply of epinephrine
91 auto-injectors under a standing protocol from a licensed
92 physician; and

93 (iv) Control distribution to trained designees of
94 epinephrine auto-injectors.

95 (3) To become a trained designee, an individual must:

96 (a) Be eighteen (18) years of age or older;

97 (b) Have, or reasonably expect to have, responsibility
98 for students and other persons as a result of the individual's
99 occupational or volunteer status; and



100 (c) Have satisfactorily completed a standardized
101 training protocol established and administered by a licensed
102 medical professional in accordance with guidelines developed by
103 the State Department of Health, in consultation with the State
104 Superintendent of Public Education, in accordance with Section 4
105 of this act.

106 **SECTION 4.** The State Department of Health, in consultation
107 with the State Superintendent of Public Education, shall establish
108 guidelines for the development of a policy by local school
109 districts for the emergency administration of epinephrine to
110 students, school personnel and other persons for anaphylaxis. The
111 guidelines must address issues including, but not limited to, the
112 responsibilities of the school district, the licensed medical
113 professional and the trained designee for the emergency
114 administration of epinephrine. The department shall disseminate
115 the guidelines to the superintendent of each public school
116 district.

117 **SECTION 5.** (1) The State Department of Health shall adopt
118 rules regarding the maintenance, storage, administration and
119 disposal of epinephrine auto-injectors in schools subject to a
120 policy adopted under Section 3 of this act. The rules must
121 establish:

122 (a) The number of epinephrine auto-injectors available
123 at each school;



124 (b) The process to be used by each school district to
125 check the inventory of epinephrine auto-injectors at regular
126 intervals for expiration and replacement; and

127 (c) The amount of training required for personnel or
128 volunteers to administer an epinephrine auto-injector.

129 (2) A licensed medical professional, trained designee or
130 physician providing a prescription under a standing protocol for
131 epinephrine in accordance with this act may not be held liable for
132 any good faith act or omission committed in accordance with the
133 provisions of this act. Good faith does not include willful
134 misconduct, gross negligence or recklessness.

135 **SECTION 6.** This act may not be construed to:

136 (a) Permit a trained designee to perform the duties or
137 fill the position of a licensed medical professional;

138 (b) Prohibit the administration of an epinephrine
139 auto-injector mechanism by a person acting pursuant to a lawful
140 prescription; or

141 (c) Prevent a licensed and qualified member of a health
142 care profession from administering an epinephrine auto-injector
143 mechanism if the duties are consistent with the accepted standards
144 of the member's profession.

145 **SECTION 7.** Section 37-11-71, Mississippi Code of 1972, is
146 amended as follows:

147 37-11-71. (1) This section shall be known and may be cited
148 as the "Mississippi Asthma and Anaphylaxis Child Safety Act."



149 (2) The Legislature finds:

150 (a) That anaphylaxis is a serious allergic reaction
151 that is rapid in onset and may cause death. Common triggers of
152 anaphylaxis include food, insect bites, certain medications, and
153 latex, with food being the most common trigger in children. Forty
154 percent (40%) to fifty percent (50%) of those diagnosed with a
155 food allergy are judged to have a high risk of anaphylaxis, and
156 children with an undiagnosed food allergy may experience a first
157 reaction at school. In addition, children with asthma are more at
158 risk for anaphylaxis. Over ten percent (10%) of Mississippi
159 children ages zero (0) through seventeen (17) years are living
160 with asthma.

161 (b) That epinephrine is the primary treatment for
162 anaphylaxis with no absolute contraindication to its use for a
163 life-threatening reaction. The National Institute of Allergy and
164 Infectious Diseases recommends that epinephrine be given promptly
165 to treat anaphylaxis because delays in the administration of
166 epinephrine can result in rapid decline and death. The American
167 Academy of Allergy, Asthma and Immunology recommends that
168 epinephrine injectors should be included in all emergency medical
169 treatment kits in schools. The American Academy of Pediatrics
170 recommends that anaphylaxis medications should be kept in each
171 school and made available to trained staff for administration in
172 an emergency.



173 (c) Therefore, the Legislature declares it is the
174 intent of this section to protect the health and life of children
175 in their school environment through the use of protocols and
176 standing orders for the emergency treatment of asthma,
177 anaphylaxis, and all other life-threatening diseases.

178 (3) The school board of each local public school district
179 and the governing body of each private and parochial school or
180 school district shall permit the self-administration of asthma and
181 anaphylaxis medication pursuant to the requirements of this
182 section.

183 (4) As used in this section:

184 (a) "Parent" means parent or legal guardian.

185 (b) "Auto-injectable epinephrine" means a medical
186 device for the immediate administration of epinephrine to a person
187 at risk for anaphylaxis.

188 (c) "Asthma and anaphylaxis medication" means inhaled
189 bronchodilator and auto-injectable epinephrine.

190 (d) "Self-administration of prescription asthma and/or
191 anaphylaxis medication" means a student's discretionary use of
192 prescription asthma and/or anaphylaxis medication.

193 (5) A student with asthma and/or anaphylaxis is entitled to
194 possess and self-administer prescription asthma and/or anaphylaxis
195 medication while on school property, on school-provided
196 transportation, or at a school-related event or activity if:



197 (a) The prescription asthma and/or anaphylaxis
198 medication has been prescribed for that student as indicated by
199 the prescription label on the medication;

200 (b) The self-administration is done in compliance with
201 the prescription or written instructions from the student's
202 physician or other licensed health care provider; and

203 (c) A parent of the student provides to the school:

204 (i) Written authorization, signed by the parent,
205 for the student to self-administer prescription asthma and/or
206 anaphylaxis medication while on school property or at a
207 school-related event or activity;

208 (ii) A written statement, signed by the parent, in
209 which the parent releases the school district and its employees
210 and agents from liability for an injury arising from the student's
211 self-administration of prescription asthma and/or anaphylaxis
212 medication while on school property or at a school-related event
213 or activity unless in cases of wanton or willful misconduct;

214 (iii) A written statement from the student's
215 physician or other licensed health care provider, signed by the
216 physician or provider, that states:

217 1. That the student has asthma and/or
218 anaphylaxis and is capable of self-administering the prescription
219 asthma and/or anaphylaxis medication;

220 2. The name and purpose of the medication;

221 3. The prescribed dosage for the medication;



222 4. The times at which or circumstances under
223 which the medication may be administered; and

224 5. The period for which the medication is
225 prescribed.

226 (6) The physician's statement must be kept on file in the
227 office of the school nurse of the school the student attends or,
228 if there is not a school nurse, in the office of the principal of
229 the school the student attends.

230 (7) If a student uses his/her medication in a manner other
231 than prescribed, he/she may be subject to disciplinary action
232 under the school codes. The disciplinary action shall not limit
233 or restrict the student's immediate access to the medication.

234 (8) The school board of each local public school
235 district * * * shall adopt a policy regarding auto-injectable
236 epinephrine as required under Section 3 of House Bill No. 134,
237 2022 Regular Session. The governing body of each private and
238 parochial school or school district shall adopt a policy
239 authorizing a school nurse or trained school employee to
240 administer auto-injectable epinephrine to a student who the school
241 nurse or trained school employee, in good faith, believes is
242 having an anaphylactic reaction, whether or not the student has a
243 prescription for epinephrine.

244 (9) Each * * * private and parochial school may maintain a
245 supply of auto-injectable epinephrine at the school in a locked,
246 secure, and easily accessible location. A licensed physician,



247 including, but not limited to, Mississippi State Department of
248 Health District Health Officers, may prescribe epinephrine
249 auto-injectors in the name of the * * * school to be maintained
250 for use when deemed necessary under the provisions of this
251 section.

252 (10) Each * * * private and parochial school that maintains
253 a supply of auto-injectable epinephrine at the school shall
254 require at least one (1) employee at each school to receive
255 training from a registered nurse or a licensed medical physician
256 in the administration of auto-injectable epinephrine.

257 (11) The State Department of Education shall require each
258 public school district to take the following actions relating to
259 the management of asthma in the school setting:

260 (a) Require that each child with asthma have a current
261 school asthma plan (SAP) on file at the child's school for use by
262 the school nurse, teachers and staff. Parents and guardians of a
263 child with asthma are to have the child's SAP developed and signed
264 by the child's health care provider. The SAP should include the
265 child's name, date, school, age, physician's signature, parent's
266 signature, instructions to the school if coughing or wheezing, and
267 indicate dosage and delivery method details. If pre-medication is
268 required, the SAP shall indicate dosage and delivery method
269 details. The SAP will recommend whether the student administers
270 his or her own medication or that school personnel may administer
271 medication. The SAP must be updated annually.



272 (b) Adopt an emergency protocol that includes
273 instructions for all school staff to follow in case of a major
274 medical emergency for asthma and all other life-threatening
275 diseases.

276 (c) Fully implement subsections (3) through (7) of this
277 section, which authorizes the self-administration of asthma
278 medication at school by students.

279 (d) Provide comprehensive, in-service training on
280 asthma for teachers, school nurses, and other staff appointed by
281 school administration. The training should include instruction on
282 the use of school asthma plans (SAPs), the requirements of this
283 section, emergency protocols for asthma and policies in effect in
284 that school relating to asthma.

285 (e) Require school nurses to attend certified asthma
286 educators training. The cost of the training required for school
287 nurses shall be paid by the American Lung Association.

288 (f) Require local school health councils to conduct a
289 school health needs assessment that addresses and supports the
290 implementation of the following: healthy school environment,
291 physical activity, staff wellness, counseling/psychological
292 services, nutrition services, family/community involvement, health
293 education and health services. The results of the assessment must
294 be used in the development of long-range maintenance plans that
295 include specific indoor air quality components for each school
296 building.



297 (g) Require local school health councils to adopt and
298 support the implementation of a local school wellness policy that
299 includes minimizing children's exposure to dust, gases, fumes and
300 other pollutants that can aggravate asthma in the school setting.
301 The policy must require the air quality and ventilation systems of
302 schools to be assessed annually, which assessment may be
303 accomplished with the Environmental Protection Agency's Tools for
304 Schools Indoor Air Quality Checklist. The policy also must
305 minimize the use of hazardous substances such as, but not limited
306 to, chemical cleaning products and pesticides in and around school
307 buildings during the hours that children are present at school.
308 The policy must require all school construction projects to
309 implement containment procedures for dusts, gases, fumes and other
310 pollutants that trigger asthma.

311 (h) Implement an integrated pest management program
312 that includes procedural guidelines for pesticide application,
313 education of building occupants and inspection and monitoring of
314 pesticide applications. The integrated pest management program
315 may limit the frequency, duration and volume of pesticide
316 application on school grounds.

317 (i) Require school bus operators to minimize the idling
318 of school bus engines to prevent exposure of children and adults
319 to diesel exhaust fumes.

320 (j) Allow schools and school districts, with a valid
321 prescription, to accept donated auto-injectable epinephrine from



322 public or private entities, and seek and apply for grants to
323 obtain funding for purchasing auto-injectable epinephrine.

324 **SECTION 8.** This act shall take effect and be in force from
325 and after July 1, 2022.

