

By: Representative Paden

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 203

1 AN ACT TO REQUIRE EACH SCHOOL IN EVERY SCHOOL DISTRICT TO
 2 HAVE AN EPINEPHRINE AUTO-INJECTOR AND AN AUTOMATED EXTERNAL
 3 DEFIBRILLATOR (AED) IN EACH EDUCATIONAL BUILDING, CENTRAL
 4 ADMINISTRATIVE OFFICE AND CAFETERIA, STORED IN A SECURE AND EASILY
 5 ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO DEFINE THE
 6 TERMS USED IN THIS ACT; TO REQUIRE EACH LOCAL SCHOOL BOARD TO
 7 ADOPT AND IMPLEMENT A POLICY REGARDING THE MAINTENANCE, STORAGE,
 8 ADMINISTRATION AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS, AND THE
 9 MAINTENANCE, STORAGE, TESTING AND USE OF AEDS; TO PRESCRIBE THE
 10 MINIMUM REQUIREMENTS OF THE POLICY; TO PROVIDE THAT ONLY LICENSED
 11 MEDICAL PROFESSIONALS OR SCHOOL PERSONNEL TRAINED BY LICENSED
 12 MEDICAL PROFESSIONALS SHALL BE AUTHORIZED TO ADMINISTER
 13 EPINEPHRINE AUTO-INJECTORS OR USE AN AED FOR A PERSON IN EMERGENCY
 14 ANAPHYLAXIS OR CARDIAC ARREST; TO REQUIRE THE STATE DEPARTMENT OF
 15 HEALTH, IN CONSULTATION WITH THE STATE SUPERINTENDENT OF PUBLIC
 16 EDUCATION, TO ESTABLISH GUIDELINES FOR THE DEVELOPMENT OF POLICIES
 17 BY LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF
 18 HEALTH TO ADOPT RULES REGARDING THE MAINTENANCE, STORAGE,
 19 ADMINISTRATION AND DISPOSAL OF AN EPINEPHRINE AUTO-INJECTOR, AND
 20 THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS IN PUBLIC
 21 SCHOOLS; AND FOR RELATED PURPOSES.

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

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

26 (a) "Anaphylaxis" means a sudden, severe and
 27 potentially life-threatening allergic reaction that occurs when a



28 person is exposed to an allergen.

29 (b) "Automated external defibrillator" or "AED" means a
30 portable electronic device that automatically diagnoses the
31 life-threatening cardiac arrhythmias of ventricular fibrillation
32 (VF) and pulseless ventricular tachycardia, and is able to treat
33 them through defibrillation, the application of electricity which
34 stops the arrhythmia, allowing the heart to reestablish an
35 effective rhythm.

36 (c) "Epinephrine auto-injector" means a disposable
37 medical drug delivery device that contains a premeasured single
38 dose of epinephrine that is intended to be used to treat
39 anaphylaxis.

40 (d) "Licensed medical professional" means a physician,
41 physician assistant, advanced practice nurse, registered nurse or
42 school nurse who is appropriately licensed by the State of
43 Mississippi and is designated by a the local school board
44 institution to oversee the district's epinephrine administration,
45 CPR instruction, automated external defibrillator (AED) usage and
46 training program.

47 (e) "Public postsecondary educational institution"
48 means:

49 (i) A four-year institution of higher learning
50 under the management and control of the Board of Trustees of State
51 Institutions of Higher Learning; and



52 (ii) A two-year educational institution under the
53 jurisdiction of the Mississippi Community College Board.

54 (f) "School" means a public elementary or secondary
55 educational facility under the control of a local school board,
56 and all the instructional and subsidiary buildings situated on the
57 same campus, off-campus teaching locations and regional centers
58 under the jurisdiction of the school board.

59 (g) "School personnel" means an individual who is a
60 faculty or staff member of the local school district.

61 (h) "Trained designee" means a member of the school
62 personnel trained by a licensed medical professional in the
63 emergency administration of epinephrine via an auto-injector
64 mechanism, administration of CPR and use of an automated external
65 defibrillator (AED).

66 **SECTION 2.** All public school districts shall comply with all
67 provisions of this act. Each school in every school district
68 shall have, in each educational building, central administrative
69 office and cafeteria, an epinephrine auto-injector and an AED,
70 which is stored in a secure and easily accessible location within
71 each respective building to be used by a licensed medical
72 professional or trained designee for use in the event of an
73 emergency anaphylactic reaction or cardiac arrest.

74 **SECTION 3.** (1) Each school district shall adopt and
75 implement a policy regarding the maintenance, storage,
76 administration and disposal of epinephrine auto-injectors, and the



77 maintenance, storage, testing and use of automated external
78 defibrillators (AEDs), on the institution's campus.

79 (2) The adopted policy must provide:

80 (a) That licensed medical professionals or school
81 personnel under the guidance of a licensed medical professional
82 who are authorized and trained may administer an epinephrine
83 auto-injector to or use an AED, when the designee in good faith
84 believes that an individual is reasonably believed to be
85 experiencing anaphylaxis or severe cardiac arrest on the school
86 premises;

87 (b) That licensed medical professionals or school
88 personnel under the guidance of a licensed medical professional
89 who are authorized and trained may administer an epinephrine
90 auto-injector to a person who is reasonably believed to be
91 experiencing anaphylaxis, or use an AED on a person who is
92 reasonably believed to be experiencing severe cardiac arrest at an
93 off-campus event or while in transit to or from an off-campus
94 event sponsored by the school district;

95 (c) Permit a trained designee to carry in a secure but
96 easily accessible location a supply of epinephrine auto-injectors
97 that is prescribed under a standing protocol from a licensed
98 physician;

99 (d) That the licensed medical professional shall have
100 responsibility for training designees in the:



101 (i) Administration of epinephrine via an
102 auto-injector mechanism;
103 (ii) Distributing prescribed epinephrine
104 auto-injectors to trained designees; and
105 (iii) Proper administration of CPR and use of an
106 AED; and

107 (e) That a physician, physician assistant, advanced
108 practice nurse, registered nurse or school nurse who is
109 appropriately licensed by the State of Mississippi shall be
110 designated to serve as the licensed medical professional,
111 authorized to:

112 (i) Establish and administer a standardized
113 training protocol for the emergency administration of epinephrine,
114 CPR and use of an AED by trained designees;

115 (ii) Ensure that trained designees have
116 satisfactorily completed the training protocol;

117 (iii) Obtain a supply of epinephrine
118 auto-injectors under a standing protocol from a licensed
119 physician; and

120 (iv) Control distribution to trained designees of
121 epinephrine auto-injectors.

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

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



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

127 (c) Have satisfactorily completed a standardized
128 training protocol established and administered by a licensed
129 medical professional in accordance with guidelines developed by
130 the State Department of Health, in consultation with the State
131 Superintendent of Public Education, in accordance with Section 4
132 of this act.

133 **SECTION 4.** The State Department of Health, in consultation
134 with the State Superintendent of Public Education, shall establish
135 guidelines for the development of a policy by local school
136 districts for the emergency administration of epinephrine to
137 students, school personnel and other persons for anaphylaxis, the
138 administration of CPR and the emergency use of an AED on a
139 student, school personnel or other person in cardiac arrest when a
140 medical professional is not available. The guidelines shall
141 address issues including, but not be limited to, the
142 responsibilities of the school district, the licensed medical
143 professional and the trained designee for the emergency
144 administration of epinephrine, administration of CPR and use of an
145 AED. The department shall disseminate the guidelines to the
146 superintendent of each public school district.

147 **SECTION 5.** (1) The State Department of Health shall adopt
148 rules regarding the maintenance, storage, administration and



149 disposal of an epinephrine auto-injector, and the maintenance,
150 storage, testing and use of AEDs in schools subject to a policy
151 adopted under Section 3 of this act. The rules must establish:

152 (a) The number of epinephrine auto-injectors and AEDs
153 available at each school;

154 (b) The process to be used by each school district to
155 check the inventory of epinephrine auto-injectors and AEDs at
156 regular intervals for expiration and replacement and, in the case
157 of AEDs, testing; and

158 (c) The amount of training required for personnel or
159 volunteers to administer an epinephrine auto-injector, administer
160 CPR or use an AED.

161 (2) No licensed medical professional, trained designee, or
162 physician providing a prescription under a standing protocol for
163 epinephrine in accordance with this act, shall be held liable for
164 any good faith act or omission committed in accordance with the
165 provisions of this act. Good faith shall not include willful
166 misconduct, gross negligence or recklessness.

167 **SECTION 6.** Nothing in this act shall be construed to:

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

170 (b) Prohibit the administration of an epinephrine
171 auto-injector mechanism by a person acting pursuant to a lawful
172 prescription, administration of CPR or use of an AED; or



173 (c) Prevent a licensed and qualified member of a health
174 care profession from administering an epinephrine auto-injector
175 mechanism, administering CPR or using an AED if the duties are
176 consistent with the accepted standards of the member's profession.

177 **SECTION 7.** This act shall take effect and be in force from
178 and after July 1, 2023.

