

By: Representatives Bennett, McCarty,
Reynolds

To: Education

HOUSE BILL NO. 1174
(As Passed the House)

1 AN ACT TO AUTHORIZE PUBLIC SCHOOLS TO PURCHASE A SUPPLY OR
2 ENTER INTO AN ARRANGEMENT TO RECEIVE A SUPPLY OF FDA-APPROVED
3 OPIOID REVERSAL AGENTS FOR CERTAIN PURPOSES; TO REQUIRE THE SCHOOL
4 DISTRICT TO ADOPT A PROTOCOL FOR THE ADMINISTRATION OF
5 FDA-APPROVED OPIOID REVERSAL AGENTS; TO EXEMPT THE SCHOOL DISTRICT
6 AND ITS EMPLOYEES WHO PROVIDE THE PROTOCOL FROM LIABILITY FOR
7 INJURIES RESULTING FROM THE ADMINISTRATION OF FDA-APPROVED OPIOID
8 REVERSAL AGENTS; TO PROVIDE EXCEPTIONS TO WHICH THE EXEMPTION FROM
9 LIABILITY DOES NOT APPLY; TO ESTABLISH THE SEIZURE SAFE SCHOOLS
10 ACT; TO PROVIDE THAT BEGINNING ON JULY 1, 2024, EACH PUBLIC SCHOOL
11 BOARD AND THE GOVERNING BODY OF EACH NONPUBLIC SCHOOL SHALL HAVE
12 AT LEAST ONE EMPLOYEE AT EACH SCHOOL WHO HAS MET THE TRAINING
13 REQUIREMENTS NECESSARY TO ADMINISTER SEIZURE RESCUE MEDICATION OR
14 PERFORM MANUAL VAGUS NERVE STIMULATION FOR PERSONS EXPERIENCING
15 SEIZURE DISORDER SYMPTOMS; TO REQUIRE TRAINING FOR SUCH PERSON TO
16 BE CONSISTENT WITH GUIDELINES DEVELOPED BY THE EPILEPSY FOUNDATION
17 OF AMERICA OR SIMILAR SUCCESSOR ORGANIZATION, TO REQUIRE THE
18 TRAINING TO OCCUR EVERY TWO YEARS FOR THOSE EMPLOYEES OF THE
19 SCHOOL WITH DIRECT CONTACT OR SUPERVISION OF CHILDREN; TO REQUIRE
20 THE PARENTS OR LEGAL GUARDIANS OF CHILDREN WHO EXPERIENCE SEIZURE
21 DISORDER SYMPTOMS TO PROVIDE WRITTEN AUTHORIZATION TO THE SCHOOL
22 FOR THE ADMINISTRATION OF NECESSARY MEDICATION ALONG WITH A
23 WRITTEN STATEMENT FROM THE CHILD'S MEDICAL PROVIDER; TO REQUIRE
24 THE WRITTEN STATEMENT AND THE CHILD'S SEIZURE ACTION PLAN TO BE
25 KEPT ON FILE BY THE SCHOOL NURSE OR SCHOOL ADMINISTRATOR; TO
26 AUTHORIZE SCHOOLS TO PROVIDE AGE-APPROPRIATE SEIZURE EDUCATION
27 PROGRAMS TO ALL STUDENTS ON SEIZURES AND SEIZURE DISORDERS; TO
28 EXEMPT SCHOOL EMPLOYEES ACTING IN GOOD FAITH AND IN SUBSTANTIAL
29 COMPLIANCE WITH A STUDENT'S INDIVIDUAL HEALTH PLAN TO RENDER
30 ASSISTANCE TO A CHILD EXPERIENCING A SEIZURE EPISODE FROM CIVIL
31 AND CRIMINAL LIABILITY; AND FOR RELATED PURPOSES.

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



33 SECTION 1. (1) A public school may purchase a supply of
34 opioid reversal agents approved by the United States Food and Drug
35 Administration (FDA), from a wholesale distributor as defined in
36 Section 41-29-115, or may enter into an arrangement with a
37 wholesale distributor or entity who manufactures as defined in
38 Section 41-29-105 for FDA-approved opioid reversal agents at
39 fair-market, free or reduced prices for use in the event a student
40 has an opioid overdose. The FDA-approved opioid reversal agent
41 must be maintained in a secure location on the public school's
42 premises. The participating school district shall adopt a
43 protocol developed by a licensed physician for the administration
44 of the medication by school personnel who are trained to recognize
45 an opioid overdose and to administer FDA-approved opioid reversal
46 agents.

47 (2) The school district, its employees and agents and the
48 physician who provides the standing protocol for school opioid
49 reversal agents approved by the FDA are not liable for any injury
50 arising from the use of the drug if it is administered by trained
51 school personnel who follow the standing protocol and whose
52 professional opinion is that the student is having an opioid
53 overdose:

54 (a) Unless the trained school personnel's action is
55 willful and wanton;

56 (b) Notwithstanding that the parents or guardians of
57 the student to whom the FDA-approved opioid reversal agent is



58 administered have not been provided notice or have not signed a
59 statement acknowledging that the school district is not liable;
60 and

61 (c) Regardless of whether authorization has been given
62 by the student's parents or guardians or by the student's
63 physician, physician's assistant or advanced practice registered
64 nurse.

65 **SECTION 2.** (1) This act shall be known and may be cited as
66 the "Seizure Safe Schools Act."

67 (2) As used in this act, the term "seizure action plan"
68 means a written, individualized health plan designed to
69 acknowledge and prepare for the health care needs of a student
70 diagnosed with a seizure disorder.

71 **SECTION 3.** (1) (a) Beginning on July 1, 2024, the local
72 school board of each public school district and the governing body
73 of each nonpublic school shall have at least one (1) school
74 employee at each school who has met the training requirements
75 necessary to administer or assist with the self-administration of:

76 (i) A seizure rescue medication or medication
77 prescribed to treat seizure disorder symptoms as approved by the
78 United States Food and Drug Administration and any successor
79 agency; and

80 (ii) A manual dose of prescribed electrical
81 stimulation using a vagus nerve stimulator (VNS) magnet as



82 approved by the United States Food and Drug Administration and any
83 successor agency.

84 (b) For those assigned the duties under paragraph (a)
85 of this subsection, the training provided shall include
86 instructions in administering seizure medications and manual vagus
87 nerve stimulation, as well as the recognition of the signs and
88 symptoms of seizures and the appropriate steps to be taken to
89 respond to these symptoms.

90 (c) The presence of a registered nurse employed
91 full-time by a school and assumes responsibility for the
92 administration of seizure medications and the administration and
93 oversight of vagus nerve stimulation, shall fulfill requirements
94 of paragraphs (a) and (b) of this subsection.

95 (d) Every public and charter school shall, and
96 nonpublic school is encouraged to, provide training every two (2)
97 years to principals, guidance counselors, teachers and other
98 relevant school personnel with direct contact and supervision of
99 children, including bus drivers and classroom aids, on the
100 recognition of the signs and symptoms of seizures and the
101 appropriate steps for seizure first aid.

102 (e) Any training programs or guidelines adopted by any
103 state agency for the training of school personnel in the health
104 care needs of students diagnosed with a seizure disorder shall be
105 fully consistent with training programs and guidelines developed
106 by the Epilepsy Foundation of America and any successor



107 organization that supports the welfare of individuals with
108 epilepsy and seizure disorders. Notwithstanding any state agency
109 requirement or other law to the contrary, for the purposes of this
110 training, a local school district shall be permitted to use any
111 adequate and appropriate training program or guidelines for
112 training of school personnel in the seizure disorder care tasks
113 covered under this section. The instruction must be approved by
114 the State Department of Education or relevant state agency, may be
115 provided online or in-person, and must be provided by the
116 nonprofit entity free of charge.

117 (2) (a) Before administering a seizure rescue medication or
118 medication prescribed to treat seizure disorder symptoms, the
119 student's parent or guardian shall:

120 (i) Provide the school with a written
121 authorization to administer the medication at school;

122 (ii) Provide a written statement from the
123 student's health care practitioner, which shall contain the
124 following information:

- 125 1. Student's name;
- 126 2. The name and purpose of the medication;
- 127 3. The prescribed dosage;
- 128 4. The route of administration;
- 129 5. The frequency that the medication may be
130 administered; and



131 6. The circumstances under which the
132 medication may be administered; and
133 (iii) Provide the prescribed medication to the
134 school in its unopened, sealed package with the label affixed by
135 the dispensing pharmacy intact.
136 (b) In addition to the statements required in paragraph
137 (a) of this subsection, the parent or guardian of each student
138 diagnosed with a seizure disorder shall collaborate with school
139 personnel to create a seizure action plan. The State Board of
140 Education shall promulgate administrative regulations establishing
141 procedures for the development and content of seizure action
142 plans.
143 (3) (a) The statements and seizure action plan required in
144 subsection (2) of this section shall be kept on file in the office
145 of the school nurse or school administrator.
146 (b) The seizure action plan requirement in paragraph
147 (b) of subsection (2) of this section shall be distributed to any
148 school personnel or volunteers responsible for the supervision or
149 care of the student.
150 (4) The permission for the administration of any of the
151 medications authorized under subsection (1)(a) of this section
152 shall be effective for the school year in which it is granted and
153 shall be renewed each following school year upon fulfilling the
154 requirements of subsections (2) through (4) of this section.



155 (5) The requirements of subsections (1) through (5) of this
156 section shall apply only to schools that have a student enrolled
157 who has a seizure disorder, a seizure rescue medication or
158 medication prescribed to treat seizure disorder symptoms approved
159 by the United States Food and Drug Administration and any
160 successor agency prescribed by the student's health care provider.

161 **SECTION 4.** Every public and charter school shall, and
162 nonpublic school is encouraged to, provide an age-appropriate
163 seizure education program to all students on seizures and seizure
164 disorders. The seizure education program shall be consistent with
165 guidelines published by the Epilepsy Foundation of America and any
166 successor organization. The State Board of Education shall
167 promulgate administrative regulations for the development and
168 implementation of the seizure education program.

169 **SECTION 5.** A school district, school district employee or
170 agent acting in good faith and in substantial compliance with the
171 student's individual health plan and the instructions of the
172 student's licensed health care professional, that provides
173 assistance or services under this act shall not be liable in any
174 criminal action for civil damages in his or her individual,
175 marital, governmental, corporate or other capacities as a result
176 of the services provided under this act to students with epilepsy
177 or seizure disorders.

178 **SECTION 6.** This act shall take effect and be in force from
179 and after July 1, 2023.

