

1 HB156
2 157874-3
3 By Representative Tuggle
4 RFD: Education Policy
5 First Read: 14-JAN-14

1 The Alabama State Board of Pharmacy shall provide
2 guidance, direction, and advice to the State Department of
3 Education in developing and administering the anaphylaxis
4 preparedness program.

5 (b) The anaphylaxis preparedness program shall
6 incorporate the following three levels of prevention initiated
7 by licensed public school nurses as a part of the health
8 services program:

9 (1) Level I, primary prevention: Education programs
10 that address food allergies and anaphylaxis through both
11 classroom and individual instruction for staff and students.

12 (2) Level II, secondary prevention: Identification
13 and management of chronic illness.

14 (3) Level III, tertiary prevention: The development
15 of a planned response to anaphylaxis-related emergencies in
16 the school setting.

17 (c) The lead nurse employed by the local board of
18 education may collaborate with a local physician to develop
19 and maintain a protocol for emergency response that shall
20 include a supply of premeasured, autoinjectable epinephrine on
21 each public school campus to treat potentially life
22 threatening allergic reactions. Single dose autoinjectable
23 epinephrine may be administered to school children by the
24 school nurse, or unlicensed school personnel in accordance
25 with the State Department of Education and State Board of
26 Nursing approved curriculum for medication administration. A
27 school employee shall be immune from suit and not liable for

1 any civil damages as a result of his or her acts or omissions
2 in the supervision or rendering of services, care, or
3 assistance to a student under this section, nor shall he or
4 she be liable for any civil damages as a result of any act, or
5 failure to act, to provide or arrange for further treatment,
6 care, or assistance. No information or protocols produced
7 related to this section shall be construed to establish a
8 standard of care for physicians or otherwise modify, amend, or
9 supersede any provision of the Alabama Medical Liability Act
10 of 1996, commencing with Section 6-5-540, Code of Alabama
11 1975, or any amendment thereto, or any judicial interpretation
12 thereof. Any provision of law to the contrary notwithstanding,
13 a physician who is consulted or participates in regard to
14 anaphylaxis-related emergencies, or develops, maintains, or is
15 otherwise associated with, a protocol under this section, or
16 takes any other action associated with, or related to, this
17 section, is immune from all civil and criminal liability for
18 any such acts.

19 (d) The requirement that a supply of premeasured,
20 autoinjectable epinephrine be secured and maintained on each
21 public school campus shall only be enforced if funding is
22 provided by the state.

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill requires expenditures only by a school board.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 14-JAN-14

Read for the second time and placed
on the calendar with 1 substitute
and..... 06-FEB-14

Read for the third time and passed
as amended..... 13-FEB-14

Yeas 83, Nays 3, Abstains 3

Jeff Woodard
Clerk