

2012 -- S 2173

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LC00564
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Felag, Walaska, and DiPalma

Date Introduced: January 18, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-21-22 of the General Laws in Chapter 16-21 entitled "Health
2 and Safety of Pupils" is hereby amended to read as follows:

3 **16-21-22. Allergic emergencies -- Anaphylaxis -- Use of epinephrine -- Immunity for**
4 **those administering. --** (a) The department of elementary and secondary education and the
5 department of health shall incorporate into their policies, rules, and regulations pertaining to
6 school health programs a procedure for addressing incidents of anaphylaxis (exaggerated allergic
7 reaction) in order to provide for the health and safety of children who have been medically
8 identified as being prone to anaphylaxis or who show evidence of anaphylaxis. The policies,
9 rules, and regulations shall include a procedure whereby a parent or legal guardian of any child
10 may expressly authorize the school department and school bus drivers and monitors to administer
11 the epinephrine on his or her child in case of an emergency and ensures that the epinephrine is
12 kept in a conspicuous place, readily available and that their proper use is made known to school
13 personnel. School bus drivers and monitors shall receive training in the administration of
14 epinephrine. To prevent or treat a case of anaphylaxis, trained school bus drivers and/or monitors
15 shall administer the epinephrine auto-injector to an identified student.

16 (b) The policies, rules and regulations shall also include a procedure to allow children to
17 carry and use prescription inhalers while in school or at a school sanctioned function or event,
18 when prescribed by a licensed individual with prescriptive privileges. Children who need to carry
19 prescription inhalers shall provide the school with medical documentation that the inhaler has

1 been legitimately prescribed and that the child needs to carry it on his or her person due to a
2 medical condition but no child shall be disciplined solely for failure to provide this
3 documentation in advance.

4 (c) Parents shall provide a doctor's letter or prescription notifying the school of their
5 child's allergy and the need to administer epinephrine in an allergic emergency. The school shall
6 promptly notify the school bus service provider of the child's allergy and provide a copy of the
7 doctor's letter or prescription.

8 (d) No school teacher, school administrator, or school health care personnel, school bus
9 driver, school bus monitor or any other school personnel shall be liable for civil damages which
10 may result from acts or omissions in use of the epinephrine which may constitute ordinary
11 negligence; nor shall the school personnel mentioned in this subsection be liable for civil
12 damages which may result from acts or omissions in the use of prescription inhalers by children
13 which may constitute ordinary negligence. This immunity does not apply to acts or omissions
14 constituting gross negligence or willful or wanton conduct. For the purposes of determining
15 immunity from liability under subsection (d) only, the term "other school personnel" shall include
16 any private entity providing school bus services and individual school bus drivers and monitors
17 employed or otherwise engaged by such school bus service entities. ~~The provisions of this section~~
18 ~~shall not be construed to impose any obligation upon any private entity providing school bus~~
19 ~~services, or individual school bus drivers or monitors employed or otherwise engaged by such~~
20 ~~school bus service entities, to administer epinephrine.~~

21 (e) School physicians may execute standing orders and prescriptions for school nurses to
22 use epinephrine when there are symptoms of anaphylaxis.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

1 This act would allow bus drivers and monitors to administer epinephrine under certain
2 circumstances.

3 This act would take effect upon passage.

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