

HOUSE BILL No. 2547

By Committee on Health and Human Services

Requested by Representative Eplee on behalf of Kansas School Nurses
Organization

1-18

AN ACT concerning schools; relating to student health; authorizing the maintenance of emergency medication kits for certain life-threatening conditions; requiring a prescription for distribution of emergency medication to schools; providing requirements for the administration of emergency medication by school personnel; training; exempting certain persons from the practice of healing arts and civil liability if acting in good faith; amending K.S.A. 65-1680, 65-2872b and 72-6283 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-1680 is hereby amended to read as follows: 65-1680. ~~The state board of pharmacy may adopt any rules and regulations which the board deems necessary in relation to the maintenance of epinephrine kits under K.S.A. 72-6283, and amendments thereto: (a) A pharmacist may distribute a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of standard-dose or pediatric-dose epinephrine auto-injectors to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.~~

~~(b) A pharmacist may distribute a stock supply of albuterol metered-dose inhalers, albuterol solution and spacers to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of albuterol metered-dose inhalers, albuterol solution or spacers to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.~~

~~(c) The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.~~

Sec. 2. K.S.A. 65-2872b is hereby amended to read as follows: 65-

Proposed Amendment to HB 2547
Senate Committee on Health and Public Welfare
March 18, 2024
Prepared by the Office of the Revisor of Statutes

1 2872b. (a) The practice of the healing arts shall not be construed to include
2 any person administering epinephrine or albuterol in emergency situations
3 to a student or a member of a school staff an individual if:

4 (1) (A) The person administering the epinephrine reasonably believes
5 that the student or staff member individual is exhibiting the signs and
6 symptoms of an anaphylactic reaction; or

7 (B) the person administering the albuterol reasonably believes that
8 the individual is exhibiting the signs and symptoms of respiratory distress;

9 (2) a physician or mid-level practitioner, after reviewing the school's
10 policies and procedures, has authorized, in writing, the school to maintain
11 a stock supply of epinephrine emergency medication; and

12 (3) the epinephrine emergency medication is administered at school,
13 on school property or at a school-sponsored event.

14 (b) Any person who gratuitously and in good faith renders emergency
15 care or treatment through the administration of epinephrine emergency
16 medication to a student or a member of a school staff an individual at
17 school, on school property or at a school-sponsored event, and any school
18 that employs or contracts such person, shall not be held liable for any civil
19 damages as a result of such care or administration or as a result of any act
20 or failure to act in providing or arranging further medical treatment where
21 the person acts as an ordinary reasonably prudent person would have acted
22 under the same or similar circumstances.

23 (c) A physician or mid-level practitioner who writes a prescription
24 for emergency medication or provides training to school personnel on the
25 administration of emergency medication shall not be liable for civil
26 damages resulting from the administration of emergency medication
27 pursuant to this section, K.S.A. 65-1680 or 72-6283, and amendments
28 thereto.

29 (d) The terms used in this section mean the same as defined in K.S.A.
30 72-6283, and amendments thereto.

31 Sec. 3. K.S.A. 72-6283 is hereby amended to read as follows: 72-
32 6283. Any accredited school may maintain an epinephrine kit. An
33 epinephrine kit may consist of one or more doses of epinephrine.
34 Epinephrine from an epinephrine kit shall be used only in emergency
35 situations when the person administering the epinephrine reasonably
36 believes that the signs and symptoms of an anaphylactic reaction are
37 occurring and if administered at school, on school property or at a school-
38 sponsored event. A school may not maintain an epinephrine kit unless the
39 school has consulted with a pharmacist licensed by the state board of
40 pharmacy. The consultant pharmacist shall have supervisory responsibility
41 for maintaining the epinephrine kit. The consultant pharmacist shall be
42 responsible for developing procedures, proper control and accountability
43 for the epinephrine kit. Periodic physical inventory of the epinephrine kit

(c)