

## HOUSE BILL No. 2555

By Committee on Child Welfare and Foster Care

Requested by Representative Carr

1-18

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1 AN ACT concerning schools; relating to school districts and nonpublic  
2 schools; authorizing schools to maintain emergency albuterol kits and  
3 school personnel to administer such medication in emergency  
4 situations; establishing training requirements for administration of such  
5 medication; exempting certain persons from the practice of the healing  
6 arts and civil liability if prescribing or administering such medication in  
7 good faith; amending K.S.A. 72-6283 and repealing the existing  
8 section.  
9

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

11 New Section 1. (a) The practice of the healing arts shall not be  
12 construed to include any individual who administers albuterol in  
13 emergency situations to an individual at school, on school property or at a  
14 school-sponsored event if:

15 (1) The person administering the albuterol reasonably believes that  
16 the individual is exhibiting the signs and symptoms of respiratory distress;  
17 and

18 (2) a physician or mid-level practitioner has authorized, in writing,  
19 the school to maintain a stock supply of albuterol.

20 (b) Any person who gratuitously and in good faith renders emergency  
21 care or treatment through the administration of albuterol to an individual at  
22 school, on school property or at a school-sponsored event, or any school  
23 who employs or contracts such person, shall not be held liable for any civil  
24 damages as a result of such care or administration or as a result of any act  
25 or failure to act in providing or arranging further medical treatment when  
26 the person acts as an ordinary reasonably prudent person would have acted  
27 under the same or similar circumstances.

28 (c) A pharmacist may distribute a stock supply of albuterol to a  
29 school pursuant to a prescription from a physician or mid-level practitioner  
30 in the name of the school made pursuant to K.S.A. 72-6283, and  
31 amendments thereto. A pharmacist who distributes a stock supply of  
32 albuterol to a school shall not be liable for civil damages resulting from the  
33 administration of such medication pursuant to this section or K.S.A. 65-  
34 2872b or 72-6283, and amendments thereto.

35 (d) A physician or mid-level practitioner who writes a prescription for

1 a stock supply of albuterol or provides training to school personnel on the  
2 administration of such medication shall not be liable for civil damages  
3 resulting from the administration of such medication pursuant to this  
4 section or K.S.A. 72-6283, and amendments thereto.

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

7 Sec. 2. K.S.A. 72-6283 is hereby amended to read as follows: 72-  
8 6283. ~~Any accredited school may maintain an epinephrine kit. An~~  
9 ~~epinephrine kit may consist of one or more doses of epinephrine.~~  
10 ~~Epinephrine from an epinephrine kit shall be used only in emergency~~  
11 ~~situations when the person administering the epinephrine reasonably~~  
12 ~~believes that the signs and symptoms of an anaphylactic reaction are~~  
13 ~~occurring and if administered at school, on school property or at a school-~~  
14 ~~sponsored event. A school may not maintain an epinephrine kit unless the~~  
15 ~~school has consulted with a pharmacist licensed by the state board of~~  
16 ~~pharmacy. The consultant pharmacist shall have supervisory responsibility~~  
17 ~~for maintaining the epinephrine kit. The consultant pharmacist shall be~~  
18 ~~responsible for developing procedures, proper control and accountability~~  
19 ~~for the epinephrine kit. Periodic physical inventory of the epinephrine kit~~  
20 ~~shall be required. An epinephrine kit shall be maintained under the control~~  
21 ~~of the consultant pharmacist. (a) As used in this section and section 1, and~~  
22 ~~amendments thereto:~~

23 (1) *"Albuterol"* means a short-acting beta-2 agonist inhaled  
24 medication, otherwise known as a bronchodilator, that is prescribed by a  
25 physician or mid-level practitioner for the treatment of respiratory  
26 distress.

27 (2) *"Albuterol metered-dose inhaler"* means a portable drug delivery  
28 system containing a canister of multiple premeasured doses of albuterol in  
29 a device actuator.

30 (3) *"Albuterol solution"* means a liquid form of albuterol for use with  
31 a nebulizer.

32 (4) *"Designated school personnel"* means an employee, officer, agent  
33 or volunteer of a school who has completed training documented by the  
34 school nurse, a physician or a mid-level practitioner to administer  
35 albuterol on a voluntary basis outside of the scope of employment.

36 (5) *"Mid-level practitioner"* means the same as defined in K.S.A. 65-  
37 1626, and amendments thereto.

38 (6) *"Nebulizer"* means a device that is used to change a liquid  
39 medication to a fine spray of liquid or mist for the administration of the  
40 medication through inhalation.

41 (7) *"Pharmacist"* means the same as defined in K.S.A. 65-1626, and  
42 amendments thereto.

43 (8) *"Physician"* means any person licensed by the state board of

1 *healing arts to practice medicine and surgery.*

2 (9) *"Respiratory distress" means impaired ventilation of the*  
3 *respiratory system or impaired oxygenation of the blood.*

4 (10) *"School" means any school district organized under the laws of*  
5 *this state or any accredited nonpublic school that provides education to*  
6 *elementary or secondary students.*

7 (11) *"School nurse" means a registered nurse licensed by the board*  
8 *of nursing to practice nursing in Kansas or a licensed practical nurse*  
9 *working under a registered nurse who is employed by a school to perform*  
10 *nursing services in a school setting.*

11 (12) *"Spacer" means a holding chamber that is used to optimize the*  
12 *delivery of aerolized albuterol from an albuterol metered-dose inhaler.*

13 (13) *"Stock supply of albuterol" means an appropriate quantity of*  
14 *albuterol solution, albuterol metered-dose inhalers, spacers and*  
15 *nebulizers as recommended by a physician or mid-level practitioner.*

16 (b) *A school may maintain a stock supply of albuterol upon obtaining*  
17 *a prescription from a physician or mid-level practitioner in the name of*  
18 *the school. A physician or mid-level practitioner shall review the school's*  
19 *policies and procedures established pursuant to subsection (c) prior to*  
20 *prescribing such medication.*

21 (c) *A school nurse or designated school personnel may administer*  
22 *such albuterol in an emergency situation to any individual who displays*  
23 *the signs and symptoms of respiratory distress at school, on school*  
24 *property or at a school-sponsored event if such school nurse or designated*  
25 *school personnel reasonably believes that an individual is exhibiting the*  
26 *signs and symptoms of respiratory distress.*

27 (d) *A school that maintains a stock supply of albuterol shall establish*  
28 *school policies and procedures relating to:*

29 (1) *Storage in a safe location that is readily accessible for emergency*  
30 *use and in accordance with manufacturer temperature recommendations;*

31 (2) *periodic monitoring of the inventory and expiration dates of the*  
32 *albuterol;*

33 (3) *administration of albuterol by designated school personnel; and*

34 (4) *training requirements for designated school personnel, which*  
35 *shall be conducted on no less than an annual basis for such designated*  
36 *school personnel. Such training shall include, but not be limited to, the*  
37 *following:*

38 (A) *Recognition of the symptoms of respiratory distress;*

39 (B) *administration of albuterol;*

40 (C) *calling for emergency medical system responders;*

41 (D) *monitoring the condition of an individual after albuterol has*  
42 *been administered;*

43 (E) *notification of the parent, guardian or next of kin; and*

1       (F) *safe disposal and sanitation of used equipment.*

2       (e) *A school shall publish information related to the school's policies*  
3 *and procedures adopted pursuant to this section and shall maintain*  
4 *records of the training provided to designated school personnel.*

5       (f) *A school may seek and accept:*

6       (1) *Monetary gifts, grants and donations from any source to carry out*  
7 *the provisions of this section; or*

8       (2) *albuterol solution, albuterol metered-dose inhalers, spacers or*  
9 *nebulizers from a manufacturer or wholesaler of such products.*

10       Sec. 3. K.S.A. 72-6283 is hereby repealed.

11       Sec. 4. This act shall take effect and be in force from and after its  
12 publication in the statute book.