

D R A F T

SUMMARY

Directs State Board of Education to adopt rules for administration of premeasured doses of epinephrine and to adopt guidelines for management of students with life-threatening food allergies. Directs school district boards to adopt policies and procedures based on rules and guidelines adopted by State Board of Education.

Directs Oregon Health Authority to establish registration system to authorize public and private entities to store multiple premeasured doses of epinephrine.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to severe allergies; creating new provisions; amending ORS 339.867,
3 339.869, 433.810 and 433.825; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 339.867 is amended to read:

6 339.867. As used in ORS 339.869 and 339.870, “medication” means
7 [*noninjectable*] medication **that is not injected, except for premeasured**
8 **doses of epinephrine that are injected.**

9 **SECTION 2.** ORS 339.869 is amended to read:

10 339.869. (1) The State Board of Education, in consultation with the
11 Oregon Health Authority, the Oregon State Board of Nursing and the State
12 Board of Pharmacy, shall adopt:

13 (a) Rules for the administration of prescription and nonprescription
14 medication to students by trained school personnel and for student self-
15 medication. The rules shall include age appropriate guidelines and training
16 requirements for school personnel.

1 **(b) Rules for the administration of premeasured doses of**
2 **epinephrine by school personnel trained as provided by ORS 433.815 to**
3 **any student or other individual on school premises who the personnel**
4 **believes in good faith is experiencing a severe allergic reaction, re-**
5 **gardless of whether the student or individual has a prescription for**
6 **epinephrine.**

7 **(c) Guidelines for the management of students with life-threatening**
8 **food allergies, which must include:**

9 **(A) Standards for the education and training of school personnel to**
10 **manage students with life-threatening allergies, which may include**
11 **prescribing a minimum number of personnel at each school who must**
12 **be trained as provided by ORS 433.815.**

13 **(B) Procedures for responding to life-threatening allergic reactions.**

14 **(C) A process for the development of individualized health care and**
15 **allergy plans for every student with a known life-threatening allergy.**

16 **(D) Protocols for preventing exposures to allergens.**

17 **(2)(a) School district boards shall adopt policies and procedures that**
18 **provide for:**

19 **(A) The administration of prescription and nonprescription medication to**
20 **students by trained school personnel [and for];**

21 **(B) Student self-medication[.];**

22 **(C) The administration of premeasured doses of epinephrine to**
23 **students and other individuals; and**

24 **(D) The management of students with life-threatening food aller-**
25 **gies.**

26 **(b) [Such] Policies and procedures adopted under paragraph (a) of this**
27 **subsection** shall be consistent with the rules adopted by the State Board
28 of Education under subsection (1) of this section. A school district board
29 shall not require school personnel who have not received appropriate train-
30 ing to administer medication.

31 **(c) A school district board shall make the policies and procedures**

1 **adopted as provided by this subsection available at the school district**
2 **office, at each school office and, if available, on the website of a school**
3 **or the school district.**

4 **(3) A school district board may adopt policies and procedures that**
5 **enable the schools of the school district to comply with standards**
6 **adopted by the Oregon Health Authority for the registration system**
7 **established as provided by ORS 433.810 (3).**

8 **SECTION 3. (1) Pursuant to rules adopted by the State Board of**
9 **Education, each school district shall submit to the Department of**
10 **Education an annual report that summarizes each incident in which**
11 **a premeasured dose of epinephrine was administered to a student or**
12 **other individual on school premises.**

13 **(2) The Department of Education shall summarize the reports re-**
14 **ceived under subsection (1) of this section and make the summary**
15 **available on the website of the department.**

16 **(3) In addition to the information required under subsection (1) of**
17 **this section, each school district shall provide a copy of the policies**
18 **and procedures adopted by the school district board as provided by**
19 **ORS 339.869 (2).**

20 **SECTION 4. ORS 433.810 is amended to read:**

21 **433.810. The Oregon Health Authority shall:**

22 **(1) Adopt rules necessary for the administration of ORS 433.800 to 433.830**
23 **including defining circumstances under which 433.800 to 433.815 and 433.825**
24 **shall apply. The authority shall include input from the educational system,**
25 **health care provider organizations and other interested parties when adopt-**
26 **ing rules or amending those rules.**

27 **(2) Develop or approve protocols for educational training as described in**
28 **ORS 433.815, including the use of mechanisms for periodic retraining of in-**
29 **dividuals, and provide the protocols for educational training upon request to**
30 **schools, health care professionals, parents or guardians of students or other**
31 **interested parties.**

1 **(3) Establish a registration system for public and private entities**
2 **that authorizes an entity to store multiple premeasured doses of**
3 **epinephrine and the necessary paraphernalia for administration of the**
4 **doses by a person who has successfully completed the educational**
5 **training described in ORS 433.815. The system must prescribe stan-**
6 **dards by which the premeasured doses of epinephrine are stored,**
7 **maintained and distributed.**

8 **SECTION 5.** ORS 433.825 is amended to read:

9 433.825. (1)(a) A person who has successfully completed educational
10 training described in ORS 433.815 for severe allergic responses may receive
11 from any health care professional with appropriate prescriptive privileges
12 licensed under ORS chapter 677 or 678 in this state a prescription for pre-
13 measured doses of epinephrine and the necessary paraphernalia for adminis-
14 tration.

15 **(b) A person described in paragraph (a) of this subsection may re-**
16 **ceive prescriptive privileges for multiple premeasured doses of**
17 **epinephrine and the necessary paraphernalia on behalf of an entity**
18 **that is registered in the registration system established by the Oregon**
19 **Health Authority as provided by ORS 433.810 (3).**

20 **(c) The person described in paragraph (a) of this subsection may**
21 **possess and administer in an emergency situation when a licensed health**
22 **care professional is not immediately available such prescribed epinephrine**
23 **to any person suffering a severe allergic response.**

24 (2) A person who has successfully completed educational training in the
25 administration of glucagon as described in ORS 433.815 for hypoglycemia
26 may receive from the parent or guardian of a student doses of glucagon
27 prescribed by a health care professional with appropriate prescriptive privi-
28 leges licensed under ORS chapter 677 or 678 in this state, as well as the
29 necessary paraphernalia for administration. The person may possess and ad-
30 minister glucagon to the student for whom the glucagon is prescribed, if the
31 student is suffering a severe hypoglycemic reaction in an emergency situ-

1 ation when a licensed health care professional is not immediately available
2 and other treatment has failed or cannot be initiated.

3 **SECTION 6.** (1) Pursuant to rules adopted by the Oregon Health
4 Authority, each entity that is registered in the registration system
5 established by the authority as provided by ORS 433.810 (3) shall sub-
6 mit to the authority an annual report that summarizes each incident
7 in which a premeasured dose of epinephrine was administered to an
8 individual on the premises of the entity.

9 (2) The Oregon Health Authority shall summarize the reports re-
10 ceived under subsection (1) of this section and make the summary
11 available on the website of the authority.

12 **SECTION 7.** This 2013 Act being necessary for the immediate pres-
13 ervation of the public peace, health and safety, an emergency is de-
14 clared to exist, and this 2013 Act takes effect July 1, 2013.

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