

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 611

By COMMITTEE ON EDUCATION

June 3

1 On page 1 of the printed A-engrossed bill, line 2, after “allergies;” insert “creating new pro-
2 visions;” and delete “and 433.825” and insert “, 339.871, 433.810, 433.820, 433.825 and 433.830”.

3 On page 2, after line 11, insert:

4 **“SECTION 3. Section 4 of this 2013 Act is added to and made a part of ORS 433.800 to**
5 **433.830.**

6 **“SECTION 4. Educational training on the treatment of allergic responses, as required by**
7 **ORS 433.800 to 433.830, may be conducted by a public health authority or organization or by**
8 **a person who has successfully completed educational training as described in ORS 433.815.**
9 **The training curricula under this section must include the following subjects:**

10 **“(1) Recognition of the symptoms of systemic allergic responses to insect stings and**
11 **other allergens;**

12 **“(2) Familiarity with common factors that are likely to elicit systemic allergic responses;**

13 **“(3) Proper administration of an intramuscular or subcutaneous injection of epinephrine**
14 **for severe allergic responses to insect stings and other specific allergens; and**

15 **“(4) Necessary follow-up treatment.**

16 **“SECTION 5.** ORS 433.810 is amended to read:

17 “433.810. The Oregon Health Authority shall:

18 **“(1) Adopt rules necessary for the administration of ORS 433.800 to 433.830, including defining**
19 **circumstances under which ORS 433.800 to 433.815 and 433.825 and section 4 of this 2013 Act shall**
20 **apply. The authority shall include input from the educational system, health care provider organ-**
21 **izations and other interested parties when adopting rules or amending those rules.**

22 **“(2) Develop or approve protocols for educational training as described in ORS 433.815 and**
23 **section 4 of this 2013 Act, including the use of mechanisms for periodic retraining of individuals,**
24 **and provide the protocols for educational training upon request to schools, health care professionals,**
25 **parents or guardians of students or other interested parties.**

26 **“SECTION 6.** ORS 433.820 is amended to read:

27 “433.820. A person eligible to receive the training described in ORS 433.815 **and section 4 of**
28 **this 2013 Act** must meet the following requirements:

29 **“(1) Be 18 years of age or older; and**

30 **“(2) Have, or reasonably expect to have, responsibility for or contact with at least one other**
31 **person as a result of the eligible person’s occupational or volunteer status, such as camp counselors,**
32 **scout leaders, school personnel, forest rangers, tour guides or chaperones.”.**

33 In line 12, delete “3” and insert “7”.

34 After line 33, insert:

35 **“SECTION 8.** ORS 433.830 is amended to read:

1 “433.830. (1) No cause of action shall arise against a person who has successfully completed an
2 educational training program described in ORS 433.815 **or section 4 of this 2013 Act** for any act
3 or omission of the person when acting in good faith while rendering emergency treatment pursuant
4 to the authority granted by ORS 433.800 to 433.830, except where such conduct can be described as
5 wanton misconduct.

6 “(2) No cause of action shall arise against an institution, facility, agency or organization when
7 acting in good faith to allow for the rendering of emergency treatment pursuant to the authority
8 granted by ORS 433.800 to 433.830, except where such conduct can be described as wanton miscon-
9 duct.

10 “**SECTION 9.** If House Bill 2749 becomes law, ORS 339.871, as amended by section 2, chapter
11 _____, Oregon Laws 2013 (Enrolled House Bill 2749), is amended to read:

12 “339.871. (1) A school administrator, school nurse, teacher or other school employee designated
13 by the school administrator is not liable in a criminal action or for civil damages as a result of a
14 student’s [use] **self-administration** of medication, as described in ORS 339.866, if the school ad-
15 ministrator, school nurse, teacher or other school employee, in compliance with the instructions of
16 the student’s Oregon licensed health care professional, in good faith[.]

17 “[a)] assists the student’s self-administration of the medication, if the medication is available to
18 the student pursuant to written permission and instructions of the student’s parent, guardian or
19 Oregon licensed health care professional. [; or]

20 “[b)] **(2) A school administrator, school nurse, teacher or other school employee desig-**
21 **ated by the school administrator is not liable in a criminal action or for civil damages as**
22 **a result of the use of medication if the school administrator, school nurse, teacher or other**
23 **school employee in good faith** administers autoinjectable epinephrine to a student **or other indi-**
24 **vidual** with a severe allergy who is unable to self-administer the medication[, *if the autoinjectable*
25 *epinephrine is available for the student pursuant to written permission and instructions of the student’s*
26 *parent, guardian or Oregon licensed health care professional*], **regardless of whether the student**
27 **or individual has a prescription for epinephrine.**

28 “[2)] **(3) A school district and the members of a school district board are not liable in a criminal**
29 **action or for civil damages as a result of [a student’s] the use of medication[, as described in ORS**
30 **339.866,] if:**

31 “(a) Any person in good faith administers autoinjectable epinephrine to a student **or other in-**
32 **dividual** with a severe allergy who is unable to self-administer the medication[;], **regardless of**
33 **whether the student or individual has a prescription for epinephrine; and**

34 “(b) The person administered the autoinjectable epinephrine **on school premises, including** at
35 a school, on school property under the jurisdiction of the district or at an activity under the juris-
36 diction of the school district. [; and]

37 “[c) *The autoinjectable epinephrine is available for the student pursuant to written permission and*
38 *instructions of the student’s parent, guardian or Oregon licensed health care professional.*]

39 “[3)] **(4) The civil and criminal immunities imposed by this section do not apply to an act or**
40 **omission amounting to gross negligence or willful and wanton misconduct.”.**

41 In line 34, delete “4” and insert “10”.