

# Senate Bill 611

Sponsored by COMMITTEE ON HEALTH CARE AND HUMAN SERVICES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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, 339.869, 433.810 and  
3 433.825; 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 [*noninjectable*] medication **that**  
7 **is not injected, except for premeasured doses of epinephrine that are injected.**

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

9 339.869. (1) The State Board of Education, in consultation with the Oregon Health Authority, the  
10 Oregon State Board of Nursing and the State Board of Pharmacy, shall adopt:

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

14 (b) **Rules for the administration of premeasured doses of epinephrine by school personnel**  
15 **trained as provided by ORS 433.815 to any student or other individual on school premises who**  
16 **the personnel believes in good faith is experiencing a severe allergic reaction, regardless of**  
17 **whether the student or individual has a prescription for epinephrine.**

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

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

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

24 (C) **A process for the development of individualized health care and allergy plans for ev-**  
25 **ery student with a known life-threatening allergy.**

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

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

28 (A) The administration of prescription and nonprescription medication to students by trained

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 school personnel [*and for*];

2 (B) Student self-medication[.];

3 (C) **The administration of premeasured doses of epinephrine to students and other indi-**  
 4 **viduals; and**

5 (D) **The management of students with life-threatening food allergies.**

6 (b) [*Such*] Policies and procedures **adopted under paragraph (a) of this subsection** shall be  
 7 consistent with the rules adopted by the State Board of Education under subsection (1) of this sec-  
 8 tion. A school district board shall not require school personnel who have not received appropriate  
 9 training to administer medication.

10 (c) **A school district board shall make the policies and procedures adopted as provided**  
 11 **by this subsection available at the school district office, at each school office and, if avail-**  
 12 **able, on the website of a school or the school district.**

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

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

20 (2) **The Department of Education shall summarize the reports received under subsection**  
 21 **(1) of this section and make the summary available on the website of the department.**

22 (3) **In addition to the information required under subsection (1) of this section, each**  
 23 **school district shall provide a copy of the policies and procedures adopted by the school dis-**  
 24 **trict board as provided by ORS 339.869 (2).**

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

26 433.810. The Oregon Health Authority shall:

27 (1) Adopt rules necessary for the administration of ORS 433.800 to 433.830 including defining  
 28 circumstances under which 433.800 to 433.815 and 433.825 shall apply. The authority shall include  
 29 input from the educational system, health care provider organizations and other interested parties  
 30 when adopting rules or amending those rules.

31 (2) Develop or approve protocols for educational training as described in ORS 433.815, including  
 32 the use of mechanisms for periodic retraining of individuals, and provide the protocols for educa-  
 33 tional training upon request to schools, health care professionals, parents or guardians of students  
 34 or other interested parties.

35 (3) **Establish a registration system for public and private entities that authorizes an en-**  
 36 **tity to store multiple premeasured doses of epinephrine and the necessary paraphernalia for**  
 37 **administration of the doses by a person who has successfully completed the educational**  
 38 **training described in ORS 433.815. The system must prescribe standards by which the pre-**  
 39 **measured doses of epinephrine are stored, maintained and distributed.**

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

41 433.825. (1)(a) A person who has successfully completed educational training described in ORS  
 42 433.815 for severe allergic responses may receive from any health care professional with appropriate  
 43 prescriptive privileges licensed under ORS chapter 677 or 678 in this state a prescription for pre-  
 44 measured doses of epinephrine and the necessary paraphernalia for administration.

45 (b) **A person described in paragraph (a) of this subsection may receive prescriptive priv-**

1 **ileges for multiple premeasured doses of epinephrine and the necessary paraphernalia on**  
2 **behalf of an entity that is registered in the registration system established by the Oregon**  
3 **Health Authority as provided by ORS 433.810 (3).**

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

7 (2) A person who has successfully completed educational training in the administration of  
8 glucagon as described in ORS 433.815 for hypoglycemia may receive from the parent or guardian  
9 of a student doses of glucagon prescribed by a health care professional with appropriate prescriptive  
10 privileges licensed under ORS chapter 677 or 678 in this state, as well as the necessary parapher-  
11 nalia for administration. The person may possess and administer glucagon to the student for whom  
12 the glucagon is prescribed, if the student is suffering a severe hypoglycemic reaction in an emer-  
13 gency situation when a licensed health care professional is not immediately available and other  
14 treatment has failed or cannot be initiated.

15 **SECTION 6. (1) Pursuant to rules adopted by the Oregon Health Authority, each entity**  
16 **that is registered in the registration system established by the authority as provided by ORS**  
17 **433.810 (3) shall submit to the authority an annual report that summarizes each incident in**  
18 **which a premeasured dose of epinephrine was administered to an individual on the premises**  
19 **of the entity.**

20 (2) The Oregon Health Authority shall summarize the reports received under subsection  
21 (1) of this section and make the summary available on the website of the authority.

22 **SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**  
23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
24 **July 1, 2013.**

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