

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 611**

1 On page 1 of the printed A-engrossed bill, line 2, after “allergies;” insert
2 “creating new provisions;” and delete “and 433.825” and insert “, 339.871,
3 433.810, 433.820, 433.825 and 433.830”.

4 On page 2, after line 11, insert:

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

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

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

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

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

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

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

22 **“433.810. The Oregon Health Authority shall:**

1 “(1) Adopt rules necessary for the administration of ORS 433.800 to
2 433.830, including defining circumstances under which **ORS** 433.800 to
3 433.815 and 433.825 **and section 4 of this 2013 Act** shall apply. The authority
4 shall include input from the educational system, health care provider or-
5 ganizations and other interested parties when adopting rules or amending
6 those rules.

7 “(2) Develop or approve protocols for educational training as described in
8 ORS 433.815 **and section 4 of this 2013 Act**, including the use of mech-
9 anisms for periodic retraining of individuals, and provide the protocols for
10 educational training upon request to schools, health care professionals, par-
11 ents or guardians of students or other interested parties.

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

13 “433.820. A person eligible to receive the training described in ORS
14 433.815 **and section 4 of this 2013 Act** must meet the following require-
15 ments:

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

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

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

22 After line 33, insert:

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

24 “433.830. (1) No cause of action shall arise against a person who has
25 successfully completed an educational training program described in ORS
26 433.815 **or section 4 of this 2013 Act** for any act or omission of the person
27 when acting in good faith while rendering emergency treatment pursuant to
28 the authority granted by ORS 433.800 to 433.830, except where such conduct
29 can be described as wanton misconduct.

30 “(2) No cause of action shall arise against an institution, facility, agency

1 or organization when acting in good faith to allow for the rendering of
2 emergency treatment pursuant to the authority granted by ORS 433.800 to
3 433.830, except where such conduct can be described as wanton misconduct.

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

7 “339.871. (1) A school administrator, school nurse, teacher or other school
8 employee designated by the school administrator is not liable in a criminal
9 action or for civil damages as a result of a student’s *[use]* **self-**
10 **administration** of medication, as described in ORS 339.866, if the school
11 administrator, school nurse, teacher or other school employee, in compliance
12 with the instructions of the student’s Oregon licensed health care profes-
13 sional, in good faith[:]

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

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

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

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

5 “(b) The person administered the autoinjectable epinephrine **on school**
6 **premises, including** at a school, on school property under the jurisdiction
7 of the district or at an activity under the jurisdiction of the school
8 district. [; and]

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

12 “[(3)] (4) The civil and criminal immunities imposed by this section do
13 not apply to an act or omission amounting to gross negligence or willful and
14 wanton misconduct.”.

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

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