

HOUSE BILL No. 6050

November 10, 2016, Introduced by Reps. Tedder and Howrylak and referred to the
Committee on Health Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1178, 1179, and 1179a (MCL 380.1178, 380.1179,
and 380.1179a), sections 1178 and 1179 as amended and section 1179a
as added by 2013 PA 187.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1178. (1) Subject to subsection (2), a school
2 administrator, teacher, or other school employee designated by the
3 school administrator, who in good faith administers medication to a
4 pupil in the presence of another adult or in an emergency that
5 threatens the life or health of the pupil, pursuant to written
6 permission of the pupil's parent or guardian, and in compliance
7 with the instructions of a physician, physician's assistant, or
8 certified nurse practitioner, or a school employee who in good
9 faith administers ~~an epinephrine auto-injector~~ to an individual

1 consistent with the policies under section 1179a, is not liable in
2 a criminal action or for civil damages as a result of an act or
3 omission in the administration of the medication or epinephrine,
4 ~~auto-injector~~, except for an act or omission amounting to gross
5 negligence or willful and wanton misconduct.

6 (2) If a school employee is a licensed registered professional
7 nurse, subsection (1) applies to that school employee regardless of
8 whether the medication or epinephrine ~~auto-injector~~ is administered
9 in the presence of another adult.

10 (3) A school district, nonpublic school, member of a school
11 board, or director or officer of a nonpublic school is not liable
12 for damages in a civil action for injury, death, or loss to person
13 or property allegedly arising from a person acting under this
14 section.

15 Sec. 1179. (1) If the conditions prescribed in subsection (2)
16 are met, notwithstanding any school or school district policy to
17 the contrary, a pupil of a public school or nonpublic school may
18 possess and use 1 or more of the following at school, on school-
19 sponsored transportation, or at any activity, event, or program
20 sponsored by or in which the pupil's school is participating:

21 (a) A metered dose inhaler or a dry powder inhaler to
22 alleviate asthmatic symptoms or for use before exercise to prevent
23 the onset of asthmatic symptoms.

24 (b) ~~An epinephrine auto-injector or epinephrine inhaler~~
25 **EPINEPHRINE** to treat anaphylaxis.

26 (2) Subsection (1) applies to a pupil if all of the following
27 conditions are met:

1 (a) The pupil has written approval to possess and use the
2 inhaler or epinephrine ~~auto-injector~~ as described in subsection (1)
3 from the pupil's physician or other health care provider authorized
4 by law to prescribe an inhaler or epinephrine ~~auto-injector~~ and, if
5 the pupil is a minor, from the pupil's parent or legal guardian.

6 (b) The principal or other chief administrator of the pupil's
7 school has received a copy of each written approval required under
8 subdivision (a) for the pupil.

9 (c) There is on file at the pupil's school a written emergency
10 care plan that contains specific instructions for the pupil's
11 needs, that is prepared by a physician licensed in this state in
12 collaboration with the pupil and the pupil's parent or legal
13 guardian, and that is updated as necessary for changing
14 circumstances.

15 (3) A school district, nonpublic school, member of a school
16 board, director or officer of a nonpublic school, or employee of a
17 school district or nonpublic school is not liable for damages in a
18 civil action for injury, death, or loss to person or property
19 allegedly arising from a pupil being prohibited by an employee of
20 the school or school district from using an inhaler or epinephrine
21 ~~auto-injector~~ because of the employee's reasonable belief formed
22 after a reasonable and ordinary inquiry that the conditions
23 prescribed in subsection (2) had not been satisfied. A school
24 district, nonpublic school, member of a school board, director or
25 officer of a nonpublic school, or employee of a school district or
26 nonpublic school is not liable for damages in a civil action for
27 injury, death, or loss to person or property allegedly arising from

1 a pupil being permitted by an employee of the school or school
2 district to use or possess an inhaler or epinephrine ~~auto-injector~~
3 because of the employee's reasonable belief formed after a
4 reasonable and ordinary inquiry that the conditions prescribed in
5 subsection (2) had been satisfied. This subsection does not
6 eliminate, limit, or reduce any other immunity or defense that a
7 school district, nonpublic school, member of a school board,
8 director or officer of a nonpublic school, or employee of a school
9 district or nonpublic school may have under section 1178 or other
10 state law.

11 (4) As part of its general powers, a school district may
12 request a pupil's parent or legal guardian to provide an extra
13 inhaler or **EXTRA** epinephrine ~~auto-injector~~ to designated school
14 personnel for use in case of emergency. A parent or legal guardian
15 is not required to provide an extra inhaler or **EXTRA** epinephrine
16 ~~auto-injector~~ to school personnel.

17 (5) A principal or other chief administrator who is aware that
18 a pupil is in possession of an inhaler or epinephrine ~~auto-injector~~
19 pursuant to this section shall notify each of the pupil's classroom
20 teachers of that fact and of the provisions of this section.

21 (6) As used in this section and in section 1179a:

22 (a) "School board" includes a school board, intermediate
23 school board, or the board of directors of a public school academy.

24 (b) "School district" includes a school district, intermediate
25 school district, or public school academy.

26 Sec. 1179a. (1) Beginning with the 2014-2015 school year, a
27 school board shall ensure that, in each school it operates with an

1 instructional and administrative staff of at least 10, there are at
2 least 2 employees at the school who have been trained in the
3 appropriate use and administration of ~~an epinephrine auto-injector~~
4 and that, in each school it operates with an instructional and
5 administrative staff of fewer than 10, there is at least 1 employee
6 at the school who has been trained in the appropriate use and
7 administration of ~~an epinephrine auto-injector~~. The training
8 required under this subsection shall be conducted under the
9 supervision of, and shall include evaluation by, a licensed
10 registered professional nurse.

11 (2) Not later than the beginning of the 2014-2015 school year,
12 a school board shall develop and implement policies that are
13 consistent with the department's medication administration
14 guidelines, as revised under subsection (4), and that provide for
15 the possession of at least 2 **DOSES OF** epinephrine ~~auto-injectors~~ in
16 each school operated by the school board to be used for
17 administration by a licensed registered professional nurse who is
18 employed or contracted by the school district or by a school
19 employee who is trained in the administration of ~~an epinephrine~~
20 ~~auto-injector~~ under subsection (1) and is authorized to administer
21 ~~an epinephrine auto-injector~~ under the policies. The policies shall
22 authorize a licensed registered professional nurse who is employed
23 or contracted by the school district or a school employee who is
24 trained in the administration of ~~an epinephrine auto-injector~~ under
25 subsection (1) to administer ~~an epinephrine auto-injector~~ to a
26 pupil who has a prescription on file at the school. The policies
27 also shall authorize a licensed registered professional nurse who

1 is employed or contracted by the school district or a school
2 employee who is trained in the administration of ~~an epinephrine~~
3 ~~auto-injector~~ under subsection (1) to administer ~~an epinephrine~~
4 ~~auto-injector~~ to any other individual on school grounds who is
5 believed to be having an anaphylactic reaction. The policies also
6 shall require notification to the parent or legal guardian of a
7 pupil to whom ~~an epinephrine auto-injector~~ has been administered.

8 (3) A licensed registered professional nurse who is employed
9 or contracted by the school district or a school employee who is
10 trained in the administration of ~~an epinephrine auto-injector~~ under
11 subsection (1) may possess and administer ~~an epinephrine. auto-~~
12 ~~injector.~~

13 (4) The department, in conjunction with the department of
14 ~~community health~~ **AND HUMAN SERVICES** and with input from the
15 Michigan ~~association~~ **ASSOCIATION** of ~~school nurses,~~ **SCHOOL NURSES,**
16 the Michigan ~~nurses association,~~ **NURSES ASSOCIATION,** the Michigan
17 ~~parent teacher association,~~ **PARENT TEACHER ASSOCIATION,** the
18 American college **COLLEGE** of allergy, asthma, and immunology,
19 **ALLERGY, ASTHMA, AND IMMUNOLOGY,** the Michigan chapter of the
20 American academy **ACADEMY** of ~~pediatrics,~~ **PEDIATRICS,** the ~~school-~~
21 ~~community health alliance~~ **SCHOOL-COMMUNITY HEALTH ALLIANCE** of
22 Michigan, and other school health organizations and entities, shall
23 identify, develop, and adopt appropriate revisions to the
24 medication administration guidelines issued by the department,
25 including, but not limited to, those relating to the specification
26 of training needs and requirements for the administration and
27 maintenance of stock epinephrine, ~~auto-injectors,~~ including

1 stocking of both junior and regular ~~dose~~**DOSES OF** epinephrine,
2 ~~auto-injectors,~~ as necessary, and storage requirements.

3 (5) At least annually, a school district shall report to the
4 department, in the form and manner prescribed by the department,
5 all instances of administration of ~~an epinephrine auto-injector~~ to
6 a pupil at school. The reporting shall include at least all of the
7 following:

8 (a) The number of instances of administration of ~~an~~
9 epinephrine ~~auto-injector~~ to a pupil at school in a school year.

10 (b) The number of pupils who were administered ~~an epinephrine~~
11 ~~auto-injector~~ at school who were not previously known to be
12 severely allergic.

13 (c) The number of pupils who were administered ~~an epinephrine~~
14 ~~auto-injector~~ at school using the school's stock of epinephrine.
15 ~~auto-injectors.~~

16 (6) A school board shall attempt to obtain funding or
17 resources from private sources, or from another source other than
18 this state, for fulfilling the requirements of this section. If a
19 school board is unable to obtain this alternative funding for all
20 or part of its costs of complying with this section, the school
21 board may apply to the department for reimbursement for the
22 unfunded costs of complying with this section, in the form and
23 manner prescribed by the department. The legislature shall
24 appropriate funds for making this reimbursement. The department
25 shall make the reimbursement according to the appropriation that is
26 made for this purpose. The department annually shall submit a
27 report to the legislature detailing the number of school boards

1 that apply for reimbursement and the number of school boards that
2 are able to secure alternative funding.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No. _____ or House Bill No. 6049 (request no.
7 06667'16) of the 98th Legislature is enacted into law.