

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration and self-carry of asthma
8 medication and epinephrine auto-injectors; administration of
9 undesigned epinephrine auto-injectors ~~school nurse~~
10 ~~administration.~~

11 (a) For the purpose of this Section only, the following
12 terms shall have the meanings set forth below ~~In this Section:~~

13 "Asthma inhaler" means a quick reliever asthma inhaler.

14 "Epinephrine auto-injector" means a single-use device used
15 for the automatic injection of a pre-measured dose of
16 epinephrine into the human body ~~medical device for immediate~~
17 ~~self administration by a person at risk of anaphylaxis.~~

18 "Asthma medication ~~Medication~~" means a medicine,
19 prescribed by (i) a physician licensed to practice medicine in
20 all its branches, (ii) a physician assistant who has been
21 delegated the authority to prescribe asthma medications by his
22 or her supervising physician, or (iii) an advanced practice
23 ~~registered~~ nurse who has a written collaborative agreement with

1 a collaborating physician that delegates the authority to
2 prescribe asthma medications, for a pupil that pertains to the
3 pupil's asthma and that has an individual prescription label.

4 "School nurse" means a registered nurse working in a school
5 with or without licensure endorsed in school nursing.

6 "Self-administration" means a pupil's discretionary use of
7 ~~and ability to carry~~ his or her prescribed asthma medication or
8 epinephrine auto-injector.

9 "Self-carry" means a pupil's ability to carry his or her
10 prescribed asthma medication or epinephrine auto-injector.

11 "Standing protocol" may be issued by (i) a physician
12 licensed to practice medicine in all its branches, (ii) a
13 physician assistant who has been delegated the authority to
14 prescribe asthma medications or epinephrine auto-injectors by
15 his or her supervising physician, or (iii) an advanced practice
16 nurse who has a collaborative agreement with a collaborating
17 physician that delegates authority to issue a standing protocol
18 for asthma medications or epinephrine auto-injectors.

19 "Trained personnel" means any school employee or volunteer
20 personnel authorized in Sections 10-22.34, 10-22.34a, and
21 10-22.34b of this Code who has completed training under
22 subsection (g) of this Section to recognize and respond to
23 anaphylaxis.

24 "Undesignated epinephrine auto-injector" means an
25 epinephrine auto-injector prescribed in the name of a school
26 district, public school, or nonpublic school.

1 (b) A school, whether public or nonpublic, must permit the
2 self-administration and self-carry of asthma medication by a
3 pupil with asthma or the self-administration and self-carry use
4 of an epinephrine auto-injector by a pupil, provided that:

5 (1) the parents or guardians of the pupil provide to
6 the school (i) written authorization from the parents or
7 guardians for (A) the self-administration and self-carry
8 of asthma medication or (B) the self-carry of asthma
9 medication or (ii) for (A) the self-administration and
10 self-carry of an epinephrine auto-injector or (B) the
11 self-carry use of an epinephrine auto-injector, written
12 authorization from the pupil's physician, physician
13 assistant, or advanced practice ~~registered~~ nurse; and

14 (2) the parents or guardians of the pupil provide to
15 the school (i) the prescription label, which must contain
16 the name of the asthma medication, the prescribed dosage,
17 and the time at which or circumstances under which the
18 asthma medication is to be administered, or (ii) for the
19 self-administration or self-carry use of an epinephrine
20 auto-injector, a written statement from the pupil's
21 physician, physician assistant, or advanced practice
22 ~~registered~~ nurse containing the following information:

23 (A) the name and purpose of the epinephrine
24 auto-injector;

25 (B) the prescribed dosage; and

26 (C) the time or times at which or the special

1 circumstances under which the epinephrine
2 auto-injector is to be administered.

3 The information provided shall be kept on file in the office of
4 the school nurse or, in the absence of a school nurse, the
5 school's administrator.

6 (b-5) A school district, public school, or nonpublic school
7 may authorize the provision of a student-specific or
8 undesigned ~~an~~ epinephrine auto-injector to a student or any
9 personnel authorized under a student's Individual Health Care
10 Action Plan, Illinois Food Allergy Emergency Action Plan and
11 Treatment Authorization Form, or plan pursuant to Section 504
12 of the federal Rehabilitation Act of 1973 to administer an
13 epinephrine auto-injector to the student, that meets the
14 student's prescription on file.

15 (b-10) The school district, public school, or nonpublic
16 school may authorize a school nurse or trained personnel to do
17 the following: (i) provide an undesigned epinephrine
18 auto-injector to a student for self-administration only or any
19 personnel authorized under a student's Individual Health Care
20 Action Plan, Illinois Food Allergy Emergency Action Plan and
21 Treatment Authorization Form, or plan pursuant to Section 504
22 of the federal Rehabilitation Act of 1973 to administer ~~an~~
23 ~~epinephrine auto-injector~~ to the student, that meets the
24 student's prescription on file; (ii) administer an
25 undesigned epinephrine auto-injector that meets the
26 prescription on file to any student who has an Individual

1 Health Care Action Plan, Illinois Food Allergy Emergency Action
2 Plan and Treatment Authorization Form, or plan pursuant to
3 Section 504 of the federal Rehabilitation Act of 1973 that
4 authorizes the use of an epinephrine ~~Epinephrine~~
5 auto-injector; and (iii) administer an undesigned
6 epinephrine auto-injector to any person ~~student~~ that the school
7 nurse or trained personnel in good faith ~~professionally~~
8 believes is having an anaphylactic reaction.

9 (c) The school district, public school, or nonpublic school
10 must inform the parents or guardians of the pupil, in writing,
11 that the school district, public school, or nonpublic school
12 and its employees and agents, including a physician, physician
13 assistant, or advanced practice nurse providing standing
14 protocol or prescription for school epinephrine
15 auto-injectors, are to incur no liability or professional
16 discipline, except for willful and wanton conduct, as a result
17 of any injury arising from the administration
18 ~~self administration~~ of asthma medication or ~~use~~ of an
19 epinephrine auto-injector regardless of whether authorization
20 was given by the pupil's parents or guardians or by the pupil's
21 physician, physician ~~physician's~~ assistant, or advanced
22 practice ~~registered~~ nurse. The parents or guardians of the
23 pupil must sign a statement acknowledging that the school
24 district, public school, or nonpublic school and its employees
25 and agents are to incur no liability, except for willful and
26 wanton conduct, as a result of any injury arising from the

1 ~~administration self-administration~~ of asthma medication or ~~use~~
2 of an epinephrine auto-injector regardless of whether
3 authorization was given by the pupil's parents or guardians or
4 by the pupil's physician, physician ~~physician's~~ assistant, or
5 advanced practice ~~registered~~ nurse and that the parents or
6 guardians must indemnify and hold harmless the school district,
7 public school, or nonpublic school and its employees and agents
8 against any claims, except a claim based on willful and wanton
9 conduct, arising out of the ~~administration self-administration~~
10 of asthma medication or ~~use~~ of an epinephrine auto-injector
11 regardless of whether authorization was given by the pupil's
12 parents or guardians or by the pupil's physician, physician
13 ~~physician's~~ assistant, or advanced practice ~~registered~~ nurse.

14 (c-5) Upon the effective date of this amendatory Act of the
15 98th General Assembly, when ~~When~~ a school nurse or trained
16 personnel administers an undesigned epinephrine
17 auto-injector to a person ~~student~~ whom the school nurse or
18 trained personnel in good faith ~~professionally~~ believes is
19 having an anaphylactic reaction, notwithstanding the lack of
20 notice to the parents or guardians of the pupil or the absence
21 of the parents or guardians signed statement acknowledging no
22 liability, except for willful and wanton conduct, the school
23 district, public school, or nonpublic school and its employees
24 and agents, and including a physician, a physician assistant,
25 or an advanced practice nurse providing standing protocol or
26 prescription for undesigned ~~school~~ epinephrine

1 auto-injectors, are to incur no liability or professional
2 discipline, except for willful and wanton conduct, as a result
3 of any injury arising from the use of an undesigned
4 epinephrine auto-injector regardless of whether authorization
5 was given by the pupil's parents or guardians or by the pupil's
6 physician, physician ~~physician's~~ assistant, or advanced
7 practice ~~registered~~ nurse.

8 (d) The permission for self-administration and self-carry
9 of asthma medication or the self-administration and self-carry
10 ~~use~~ of an epinephrine auto-injector is effective for the school
11 year for which it is granted and shall be renewed each
12 subsequent school year upon fulfillment of the requirements of
13 this Section.

14 (e) Provided that the requirements of this Section are
15 fulfilled, a pupil with asthma may self-administer and
16 self-carry ~~possess and use~~ his or her asthma medication or a
17 pupil may self-administer and self-carry ~~possess and use~~ an
18 epinephrine auto-injector (i) while in school, (ii) while at a
19 school-sponsored activity, (iii) while under the supervision
20 of school personnel, or (iv) before or after normal school
21 activities, such as while in before-school or after-school care
22 on school-operated property.

23 (e-5) Provided that the requirements of this Section are
24 fulfilled, a school nurse or trained personnel may administer
25 an undesigned epinephrine auto-injector to any person whom
26 the school nurse or trained personnel in good faith believes to

1 be having an anaphylactic reaction (i) while in school, (ii)
2 while at a school-sponsored activity, (iii) while under the
3 supervision of school personnel, or (iv) before or after normal
4 school activities, such as while in before-school or
5 after-school care on school-operated property. A school nurse
6 or trained personnel may carry undesignated epinephrine
7 auto-injectors on his or her person while in school or at a
8 school-sponsored activity.

9 (f) The school district, public school, or nonpublic school
10 may maintain ~~at a school in a locked, secure location~~ a supply
11 of undesignated epinephrine auto-injectors in any secure
12 location where an allergic person is most at risk, including,
13 but not limited to, classrooms and lunchrooms. A physician, a
14 physician assistant who has been delegated prescriptive
15 authority for asthma medication or epinephrine auto-injectors
16 in accordance with Section 7.5 of the Physician Assistant
17 Practice Act of 1987, or an advanced practice nurse who has
18 been delegated prescriptive authority for asthma medication or
19 epinephrine auto-injectors in accordance with Section 65-40 of
20 the Nurse Practice Act may prescribe undesignated epinephrine
21 auto-injectors in the name of the school district, public
22 school, or nonpublic school to be maintained for use when
23 necessary. Any supply of epinephrine auto-injectors shall be
24 maintained in accordance with the manufacturer's instructions.
25 ~~The school district or nonpublic school supply of epinephrine~~
26 ~~auto injectors may be provided to and utilized by any student~~

1 ~~authorized to self-administer that meets the prescription on~~
2 ~~file or by any personnel authorized under a student's~~
3 ~~Individual Health Care Action Plan, Illinois Food Allergy~~
4 ~~Emergency Action Plan and Treatment Authorization Form, or plan~~
5 ~~pursuant to Section 504 of the federal Rehabilitation Act of~~
6 ~~1973 to administer an epinephrine auto-injector to the student,~~
7 ~~that meets the prescription on file. When a student does not~~
8 ~~have an epinephrine auto-injector or a prescription for an~~
9 ~~epinephrine auto-injector on file, the school nurse may utilize~~
10 ~~the school district or nonpublic school supply of epinephrine~~
11 ~~auto-injectors to respond to anaphylactic reaction, under a~~
12 ~~standing protocol from a physician licensed to practice~~
13 ~~medicine in all its branches and the requirements of this~~
14 ~~Section.~~

15 (f-5) Upon any administration of an epinephrine
16 auto-injector, a school district, public school, or nonpublic
17 school must immediately activate the EMS system and notify the
18 student's parent, guardian, or emergency contact, if known.

19 (f-10) Within 24 hours of the administration of an
20 undesigned epinephrine auto-injector, a school district,
21 public school, or nonpublic school must notify the physician,
22 physician assistant, or advance practice nurse who provided the
23 standing protocol or prescription for the undesigned
24 epinephrine auto-injector of its use.

25 (g) Prior to the administration of an undesigned
26 epinephrine auto-injector, trained personnel must submit to

1 his or her school's administration proof of completion of a
2 training curriculum to recognize and respond to anaphylaxis
3 that meets the requirements of subsection (h) of this Section.
4 Training must be completed annually. Trained personnel must
5 also submit to his or her school's administration proof of
6 cardiopulmonary resuscitation and automated external
7 defibrillator certification. The school district, public
8 school, or nonpublic school must maintain records related to
9 the training curriculum and trained personnel.

10 (h) A training curriculum to recognize and respond to
11 anaphylaxis, including the administration of an undesignated
12 epinephrine auto-injector, may be conducted online or in
13 person. It must include, but is not limited to:

14 (1) how to recognize symptoms of an allergic reaction;

15 (2) a review of high-risk areas within the school and
16 its related facilities;

17 (3) steps to take to prevent exposure to allergens;

18 (4) how to respond to an emergency involving an
19 allergic reaction;

20 (5) how to administer an epinephrine auto-injector;

21 (6) how to respond to a student with a known allergy as
22 well as a student with a previously unknown allergy;

23 (7) a test demonstrating competency of the knowledge
24 required to recognize anaphylaxis and administer an
25 epinephrine auto-injector; and

26 (8) other criteria as determined in rules adopted

1 pursuant to this Section.

2 In consultation with statewide professional organizations
3 representing physicians licensed to practice medicine in all of
4 its branches, registered nurses, and school nurses, the Board
5 shall make available resource materials consistent with
6 criteria in this subsection (h) for educating trained personnel
7 to recognize and respond to anaphylaxis. The Board may take
8 into consideration the curriculum on this subject developed by
9 other states, as well as any other curricular materials
10 suggested by medical experts and other groups that work on
11 life-threatening allergy issues. The Board is not required to
12 create new resource materials. The Board shall make these
13 resource materials available on its Internet website.

14 (i) Within 3 days after the administration of an
15 undesigned epinephrine auto-injector by a school nurse,
16 trained personnel, or a student at a school or school-sponsored
17 activity, the school must report to the Board in a form and
18 manner prescribed by the Board the following information:

19 (1) age and type of person receiving epinephrine
20 (student, staff, visitor);

21 (2) any previously known diagnosis of a severe allergy;

22 (3) trigger that precipitated allergic episode;

23 (4) location where symptoms developed;

24 (5) number of doses administered;

25 (6) type of person administering epinephrine (school
26 nurse, trained personnel, student); and

1 (7) any other information required by the Board.

2 (j) By October 1, 2015 and every year thereafter, the Board
3 shall submit a report to the General Assembly identifying the
4 frequency and circumstances of epinephrine administration
5 during the preceding academic year. This report shall be
6 published on the Board's Internet website on the date the
7 report is delivered to the General Assembly.

8 (k) The Board may adopt rules necessary to implement this
9 Section.

10 (Source: P.A. 96-1460, eff. 8-20-10; 97-361, eff. 8-15-11.)

11 Section 99. Effective date. This Act takes effect August 1,
12 2014.