



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB0438**

by Rep. Grant Wehrli

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30

Amends the School Code. Allows a school district, public school, or nonpublic school to authorize a school nurse or trained personnel to administer an undesignated dose of an opioid antidote to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose. Sets forth provisions concerning immunity; the administration, supply, and prescription of undesignated doses of an opioid antidote; a training curriculum to recognize and respond to an opioid overdose; reporting to the State Board of Education; and reporting to the General Assembly.

LRB099 07733 SXM 27866 b

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; administration of an  
10 undesigned dose of an opioid antidote.

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

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.

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

1 for a pupil that pertains to the pupil's asthma and that has an  
2 individual prescription label.

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

5 "Self-administration" means a pupil's discretionary use of  
6 his or her prescribed asthma medication or epinephrine  
7 auto-injector.

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

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

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

23 "Undesignated dose of an opioid antidote" means a dose of  
24 naloxone hydrochloride or any other similarly acting and  
25 equally safe drug approved by the U.S. Food and Drug  
26 Administration, prescribed in the name of a school district,

1 public school, or nonpublic school.

2 "Undesignated epinephrine auto-injector" means an  
3 epinephrine auto-injector prescribed in the name of a school  
4 district, public school, or nonpublic school.

5 (b) A school, whether public or nonpublic, must permit the  
6 self-administration and self-carry of asthma medication by a  
7 pupil with asthma or the self-administration and self-carry of  
8 an epinephrine auto-injector by a pupil, provided that:

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

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

1 (A) the name and purpose of the epinephrine  
2 auto-injector;

3 (B) the prescribed dosage; and

4 (C) the time or times at which or the special  
5 circumstances under which the epinephrine  
6 auto-injector is to be administered.

7 The information provided shall be kept on file in the office of  
8 the school nurse or, in the absence of a school nurse, the  
9 school's administrator.

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

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

1 student, that meets the student's prescription on file; (ii)  
2 administer an undesignated epinephrine auto-injector that  
3 meets the prescription on file to any student who has an  
4 Individual Health Care Action Plan, Illinois Food Allergy  
5 Emergency Action Plan and Treatment Authorization Form, or plan  
6 pursuant to Section 504 of the federal Rehabilitation Act of  
7 1973 that authorizes the use of an epinephrine auto-injector;  
8 ~~and~~ (iii) administer an undesignated epinephrine auto-injector  
9 to any person that the school nurse or trained personnel in  
10 good faith believes is having an anaphylactic reaction; and  
11 (iv) administer an undesignated dose of an opioid antidote to  
12 any person that the school nurse or trained personnel in good  
13 faith believes is having an opioid overdose.

14 (c) The school district, public school, or nonpublic school  
15 must inform the parents or guardians of the pupil, in writing,  
16 that the school district, public school, or nonpublic school  
17 and its employees and agents, including a physician, physician  
18 assistant, or advanced practice nurse providing standing  
19 protocol or a prescription for school epinephrine  
20 auto-injectors and including a health care professional  
21 providing a prescription for or dispensation of doses of an  
22 opioid antidote, are to incur no liability or professional  
23 discipline, except for willful and wanton conduct, as a result  
24 of any injury arising from the administration of asthma  
25 medication, ~~or of an epinephrine auto-injector,~~ or a dose of an  
26 opioid antidote regardless of whether authorization was given

1 by the pupil's parents or guardians or by the pupil's  
2 physician, physician assistant, ~~or~~ advanced practice nurse, or  
3 health care professional. The parents or guardians of the pupil  
4 must sign a statement acknowledging that the school district,  
5 public school, or nonpublic school and its employees and agents  
6 are to incur no liability, except for willful and wanton  
7 conduct, as a result of any injury arising from the  
8 administration of asthma medication, ~~or~~ ~~of~~ an epinephrine  
9 auto-injector, or a dose of an opioid antidote regardless of  
10 whether authorization was given by the pupil's parents or  
11 guardians or by the pupil's physician, physician assistant, ~~or~~  
12 advanced practice nurse, or health care professional and that  
13 the parents or guardians must indemnify and hold harmless the  
14 school district, public school, or nonpublic school and its  
15 employees and agents against any claims, except a claim based  
16 on willful and wanton conduct, arising out of the  
17 administration of asthma medication, ~~or~~ ~~of~~ an epinephrine  
18 auto-injector, or a dose of an opioid antidote regardless of  
19 whether authorization was given by the pupil's parents or  
20 guardians or by the pupil's physician, physician assistant, ~~or~~  
21 advanced practice nurse, or health care professional.

22 (c-5) ~~When~~ ~~Upon the effective date of this amendatory Act~~  
23 ~~of the 98th General Assembly, when~~ a school nurse or trained  
24 personnel administers an undesignated epinephrine  
25 auto-injector to a person whom the school nurse or trained  
26 personnel in good faith believes is having an anaphylactic

1 reaction or administers a dose of an opioid antidote to a  
2 person whom the school nurse or trained personnel in good faith  
3 believes is having an opioid overdose, notwithstanding the lack  
4 of notice to the parents or guardians of the pupil or the  
5 absence of the parents or guardians signed statement  
6 acknowledging no liability, except for willful and wanton  
7 conduct, the school district, public school, or nonpublic  
8 school and its employees and agents, ~~and~~ a physician, a  
9 physician assistant, or an advanced practice nurse providing  
10 standing protocol or a prescription for undesignated  
11 epinephrine auto-injectors or a health care professional  
12 providing a prescription for or dispensation of undesignated  
13 doses of an opioid antidote, ~~are~~ are to incur no liability or  
14 professional discipline, except for willful and wanton  
15 conduct, as a result of any injury arising from the use of an  
16 undesignated epinephrine auto-injector or the use of an  
17 undesignated dose of an opioid antidote regardless of whether  
18 authorization was given by the pupil's parents or guardians or  
19 by the pupil's physician, physician assistant, ~~or~~ advanced  
20 practice nurse, or health care professional.

21 (d) The permission for self-administration and self-carry  
22 of asthma medication or the self-administration and self-carry  
23 of an epinephrine auto-injector is effective for the school  
24 year for which it is granted and shall be renewed each  
25 subsequent school year upon fulfillment of the requirements of  
26 this Section.



1 (e) Provided that the requirements of this Section are  
2 fulfilled, a pupil with asthma may self-administer and  
3 self-carry his or her asthma medication or a pupil may  
4 self-administer and self-carry an epinephrine auto-injector  
5 (i) while in school, (ii) while at a school-sponsored activity,  
6 (iii) while under the supervision of school personnel, or (iv)  
7 before or after normal school activities, such as while in  
8 before-school or after-school care on school-operated  
9 property.

10 (e-5) Provided that the requirements of this Section are  
11 fulfilled, a school nurse or trained personnel may administer  
12 an undesignated epinephrine auto-injector to any person whom  
13 the school nurse or trained personnel in good faith believes to  
14 be having an anaphylactic reaction (i) while in school, (ii)  
15 while at a school-sponsored activity, (iii) while under the  
16 supervision of school personnel, or (iv) before or after normal  
17 school activities, such as while in before-school or  
18 after-school care on school-operated property. A school nurse  
19 or trained personnel may carry undesignated epinephrine  
20 auto-injectors on his or her person while in school or at a  
21 school-sponsored activity.

22 (e-10) Provided that the requirements of this Section are  
23 fulfilled, a school nurse or trained personnel may administer  
24 an undesignated dose of an opioid antidote to any person whom  
25 the school nurse or trained personnel in good faith believes to  
26 be having an opioid overdose (i) while in school, (ii) while at

1 a school-sponsored activity, (iii) while under the supervision  
2 of school personnel, or (iv) before or after normal school  
3 activities, such as while in before-school or after-school care  
4 on school-operated property. A school nurse or trained  
5 personnel may carry an undesignated dose of an opioid antidote  
6 on his or her person while in school or at a school-sponsored  
7 activity.

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

24 The school district, public school, or nonpublic school may  
25 maintain a supply of undesignated doses of an opioid antidote  
26 in any secure location where an individual may have an opioid

1 overdose. A health care professional who has been delegated  
2 prescriptive authority for an opioid antidote in accordance  
3 with Section 5-23 of the Alcoholism and Other Drug Abuse and  
4 Dependency Act may prescribe a supply of undesignated doses of  
5 an opioid antidote in the name of the school district, public  
6 school, or nonpublic school, to be maintained for use when  
7 necessary. Any supply of an opioid antidote must be maintained  
8 in accordance with the manufacturer's instructions.

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

13 Upon any administration of a dose of an opioid antidote, a  
14 school district, public school, or nonpublic school must  
15 immediately activate the EMS system and notify the student's  
16 parent, guardian, or emergency contact, if known.

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

23 Within 24 hours after the administration of an undesignated  
24 dose of an opioid antidote, a school district, public school,  
25 or nonpublic school must notify the health care professional  
26 who provided the prescription for or dispensation of the supply

1 of undesignated doses of an opioid antidote of the opioid  
2 antidote's use.

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

14 Prior to the administration of an undesignated dose of an  
15 opioid antidote, trained personnel must submit to the school's  
16 administration proof of completion of a training curriculum to  
17 recognize and respond to an opioid overdose, which curriculum  
18 must meet the requirements of subsection (h-5) of this Section.  
19 Training must be completed annually. Trained personnel must  
20 also submit to the school's administration proof of  
21 cardiopulmonary resuscitation and automated external  
22 defibrillator certification. The school district, public  
23 school, or nonpublic school must maintain records relating to  
24 the training curriculum and the trained personnel.

25 (h) A training curriculum to recognize and respond to  
26 anaphylaxis, including the administration of an undesignated

1 epinephrine auto-injector, may be conducted online or in  
2 person. It must include, but is not limited to:

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

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

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

7 (4) how to respond to an emergency involving an  
8 allergic reaction;

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

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

12 (7) a test demonstrating competency of the knowledge  
13 required to recognize anaphylaxis and administer an  
14 epinephrine auto-injector; and

15 (8) other criteria as determined in rules adopted  
16 pursuant to this Section.

17 In consultation with statewide professional organizations  
18 representing physicians licensed to practice medicine in all of  
19 its branches, registered nurses, and school nurses, the State  
20 Board of Education shall make available resource materials  
21 consistent with criteria in this subsection (h) for educating  
22 trained personnel to recognize and respond to anaphylaxis. The  
23 State Board may take into consideration the curriculum on this  
24 subject developed by other states, as well as any other  
25 curricular materials suggested by medical experts and other  
26 groups that work on life-threatening allergy issues. The State

1 Board is not required to create new resource materials. The  
2 State Board shall make these resource materials available on  
3 its Internet website.

4 (h-5) A training curriculum to recognize and respond to an  
5 opioid overdose, including the administration of an  
6 undesigned dose of an opioid antidote, may be conducted  
7 online or in person. It must include, but is not limited to,  
8 the following:

9 (1) how to recognize symptoms of an opioid overdose;

10 (2) information on drug overdose prevention and  
11 recognition;

12 (3) how to perform rescue breathing and resuscitation;

13 (4) how to respond to an emergency involving an opioid  
14 overdose;

15 (5) opioid antidote dosage and administration;

16 (6) the importance of calling 9-1-1;

17 (7) care for the overdose victim after administration  
18 of the overdose antidote;

19 (8) a test demonstrating competency of the knowledge  
20 required to recognize an opioid overdose and administer a  
21 dose of an opioid antidote; and

22 (9) other criteria as determined in rules adopted  
23 pursuant to this Section.

24 (i) Within 3 days after the administration of an  
25 undesignated epinephrine auto-injector by a school nurse,  
26 trained personnel, or a student at a school or school-sponsored

1 activity, the school must report to the State Board of  
2 Education in a form and manner prescribed by the State Board  
3 the following information:

4 (1) age and type of person receiving epinephrine  
5 (student, staff, visitor);

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

7 (3) trigger that precipitated allergic episode;

8 (4) location where symptoms developed;

9 (5) number of doses administered;

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

12 (7) any other information required by the State Board.

13 (i-5) Within 3 days after the administration of an  
14 undesigned dose of an opioid antidote by a school nurse or  
15 trained personnel, the school must report to the State Board of  
16 Education, in a form and manner prescribed by the State Board,  
17 the following information:

18 (1) the age and type of person receiving the dose of an  
19 opioid antidote (student, staff, or visitor);

20 (2) the location where symptoms developed;

21 (3) the type of person administering the dose of an  
22 opioid antidote (school nurse or trained personnel); and

23 (4) any other information required by the State Board.

24 (j) By October 1, 2015 and every year thereafter, the State  
25 Board of Education shall submit a report to the General  
26 Assembly identifying the frequency and circumstances of

1 epinephrine administration during the preceding academic year.  
2 This report shall be published on the State Board's Internet  
3 website on the date the report is delivered to the General  
4 Assembly.

5 On or before October 1, 2016 and every year thereafter, the  
6 State Board of Education shall submit a report to the General  
7 Assembly identifying the frequency and circumstances of opioid  
8 antidote administration during the preceding school year. This  
9 report must be published on the State Board's Internet website  
10 on the date the report is submitted to the General Assembly.

11 (k) The State Board of Education may adopt rules necessary  
12 to implement this Section.

13 (Source: P.A. 97-361, eff. 8-15-11; 98-795, eff. 8-1-14.)