

House Bill 337 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 121st, Carter of the 175th, Cooper of the 43rd, Coleman of the 97th, Frye of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to student health in elementary and secondary education, so as to
3 authorize public and private schools to stock a supply of auto-injectable epinephrine; to
4 provide for definitions; to provide for requirements and reporting; to provide for
5 arrangements with manufacturers; to provide for rules and regulations; to provide for limited
6 liability; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating
7 to pharmacists and pharmacies, so as to authorize licensed health practitioners to prescribe
8 auto-injectable epinephrine for schools; to authorize pharmacists to fill such prescriptions;
9 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
14 relating to student health in elementary and secondary education, is amended by adding a
15 new Code section to read as follows:

16 "20-2-776.2.

17 (a) As used in this Code section, the term:

18 (1) 'Auto-injectable epinephrine' means a disposable drug delivery device that is easily
19 transportable and contains a premeasured single dose of epinephrine used to treat
20 life-threatening allergic reactions.

21 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state,
22 an advanced practice registered nurse acting pursuant to the authority of Code Section
23 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of
24 Code Section 43-34-103.

25 (b) A public or private school in this state may acquire and stock a supply of
26 auto-injectable epinephrine pursuant to a prescription issued in accordance with Code

27 Section 26-4-116.1. A public or private school may designate an employee or agent trained
 28 in the possession and administration of auto-injectable epinephrine to be responsible for
 29 the storage, maintenance, and distribution of the auto-injectable epinephrine stocked by the
 30 school.

31 (c) Any school employee or agent of a public or private school who has completed training
 32 or received information in accordance with subsection (c) of Code Section 20-2-776.1 in
 33 recognizing the symptoms of anaphylactic shock and the correct method of administering
 34 the auto-injectable epinephrine may:

35 (1) Provide auto-injectable epinephrine to any student such employee or agent believes
 36 in good faith is experiencing an anaphylactic adverse reaction for immediate
 37 self-administration; or

38 (2) Administer auto-injectable epinephrine to any student such employee or agent
 39 believes in good faith is experiencing an anaphylactic adverse reaction in accordance with
 40 a standing protocol from the prescribing licensed practitioner,

41 regardless of whether the student has a prescription for auto-injectable epinephrine.

42 (d) A public or private school may enter into arrangements with manufacturers of
 43 approved auto-injectable epinephrine or third-party suppliers of auto-injectable epinephrine
 44 to obtain the products free of charge or at fair market or reduced prices.

45 (e) No later than July 1, 2013, the State Board of Education, in consultation with the
 46 Department of Public Health, shall adopt regulations as necessary to implement the
 47 provisions of this Code section.

48 (f)(1) Any school personnel who in good faith administers or chooses not to administer
 49 epinephrine to a student pursuant to this Code section shall be immune from civil liability
 50 for any act or omission to act related to the administration of epinephrine, except that
 51 such immunity shall not apply to an act of willful or wanton misconduct.

52 (2) Any licensed practitioner who prescribes auto-injectable epinephrine pursuant to
 53 Code Section 26-4-116.1 for use by a school in accordance with this Code section shall
 54 be immune from civil liability for any act or omission to act related to the administration
 55 of such auto-injectable epinephrine, except that such immunity shall not apply to an act
 56 of willful or wanton misconduct."

57 **SECTION 2.**

58 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
 59 pharmacies, is amended by adding a new Code section to read as follows:

60 "26-4-116.1.

61 (a) A physician licensed to practice medicine in this state, an advanced practice registered
 62 nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant

63 acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may
64 prescribe auto-injectable epinephrine in the name of a public or private school for use in
65 accordance with Code Section 20-2-776.2 and in accordance with protocol specified by
66 such physician, advanced practice registered nurse, or physician assistant.
67 (b) A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription
68 issued in accordance with subsection (a) of this Code section."

69 **SECTION 3.**

70 This Act shall become effective upon its approval by the Governor or upon its becoming law
71 without such approval.

72 **SECTION 4.**

73 All laws and parts of laws in conflict with this Act are repealed.