

House Bill 1056

By: Representatives Townsend of the 179<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Glaize of the 67<sup>th</sup>, Donatucci of the 105<sup>th</sup>, Stephens of the 164<sup>th</sup>, 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 replace  
3 the term "auto-injectable epinephrine" with "epinephrine" and to consolidate provisions  
4 relating to epinephrine and schools; to revise a definition; to make conforming changes; to  
5 amend Chapter 4 of Title 26 and Chapter 1 of Title 35 of the Official Code of Georgia  
6 Annotated, relating to pharmacists and pharmacies and general provisions relative to health,  
7 respectively, so as to replace the term "auto-injectable epinephrine" with "epinephrine" and  
8 make conforming changes; to revise a definition; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
13 relating to student health in elementary and secondary education, is amended by repealing  
14 Code Section 20-2-776, relating to student retention and self-administration of  
15 auto-injectable epinephrine and liability of school system, and enacting a new Code section  
16 to read as follows:

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17 "20-2-776.

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

19 (1) 'Epinephrine' means a drug delivery system that contains a premeasured single dose  
20 of epinephrine used to treat life-threatening allergic reactions and has been approved by  
21 the United States Food and Drug Administration.

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

26 (b) The policies adopted pursuant to this Code section shall include provisions to protect  
27 the safety of all students from the misuse and abuse of epinephrine.

28 (c)(1) Each local board of education and other public school governing body shall adopt  
29 a policy authorizing a student to carry and self-administer prescription epinephrine. Such  
30 policy shall provide that in order to carry and self-administer prescription epinephrine,  
31 the student's parent or guardian shall provide:

32 (A) A written statement from a licensed practitioner detailing the name of the  
33 medication, method, amount, and time schedules by which the medication is to be  
34 taken, and confirming that the student is able to self-administer prescription  
35 epinephrine; and

36 (B) A written statement by the parent or guardian consenting to such  
37 self-administration, providing a release for the school nurse or other designated school  
38 employee or agent to consult with the physician regarding any questions that may arise  
39 with regard to the medication, and releasing the local school system or other public  
40 school and its employees and agents from civil liability if the self-administering student  
41 suffers an adverse reaction as a result of self-administering prescription epinephrine  
42 pursuant to this Code section.

43 (2) Such written statements shall be provided at least annually and more frequently if the  
44 medication, dosage, frequency of administration, or reason for administration changes.

45 (d) Any student who is authorized to self-administer prescription epinephrine pursuant to  
46 this Code section may possess and use such prescription epinephrine:

47 (1) While in school;

48 (2) At a school sponsored activity;

49 (3) While under the supervision of a school employee or agent; or

50 (4) While in before-school or after-school care on school operated property.

51 (e) A student may be subject to disciplinary action if he or she uses epinephrine in a  
52 manner other than as prescribed.

53 (f)(1) A public school shall be authorized to receive and store prescription epinephrine  
54 onsite on behalf of a student who is not able to self-administer the medication because  
55 of age or any other reason if the parent or guardian of such student provides:

56 (A) A written statement from a licensed practitioner detailing the name of the  
57 medication, method, amount, and time schedules by which the medication is to be  
58 taken; and

59 (B) A written statement by the parent or guardian providing a release for the school  
60 nurse or other designated school employee or agent to consult with the licensed  
61 practitioner regarding any questions that may arise with regard to the medication, and  
62 releasing the local board of education or other public school governing body, the local  
63 school system or public school, and the employees and agents thereof from civil  
64 liability.

65 (2) Such written statements shall be provided at least annually and more frequently if the  
66 medication, dosage, frequency of administration, or reason for administration changes.

67 (g) Each local board of education and other public school governing body shall:

- 68 (1) Provide information to school employees and agents, as appropriate, on how to  
69 recognize the symptoms of anaphylactic shock and the correct method of administering  
70 epinephrine; and
- 71 (2) Adopt a policy authorizing designated school employees and agents to:
- 72 (A) Provide epinephrine to a student for immediate self-administration if such school  
73 employee or agent believes in good faith such student is experiencing an anaphylactic  
74 adverse reaction; and
- 75 (B) Administer epinephrine to any student such school employee or agent believes in  
76 good faith is experiencing an anaphylactic adverse reaction in accordance with a  
77 standing protocol from the prescribing licensed practitioner.
- 78 (h) Any employee or agent of a public or private school who has completed training or  
79 received information in recognizing the symptoms of anaphylactic shock and the correct  
80 method of administering epinephrine may:
- 81 (1) Provide epinephrine to a student for immediate self-administration if such school  
82 employee or agent believes in good faith such student is experiencing an anaphylactic  
83 adverse reaction, regardless of whether the student has a prescription for epinephrine; and
- 84 (2) Administer epinephrine to any student such employee or agent believes in good faith  
85 is experiencing an anaphylactic adverse reaction in accordance with a standing protocol  
86 from the prescribing licensed practitioner.
- 87 (i) Any employee or agent of a public or private school who in good faith administers or  
88 chooses not to administer epinephrine to a student pursuant to this Code section shall be  
89 immune from civil liability for any act or omission to act related to the administration of  
90 epinephrine, except that such immunity shall not apply to an act of willful or wanton  
91 misconduct.
- 92 (j) Any licensed practitioner who prescribes epinephrine pursuant to Code  
93 Section 26-4-116.1 for use by a public or private school in accordance with this Code  
94 section shall be immune from civil liability for any act or omission to act related to the

95 administration of such epinephrine, except that such immunity shall not apply to an act of  
96 willful or wanton misconduct.

97 (k) A public or private school in this state may acquire and stock a supply of epinephrine  
98 pursuant to a prescription issued in accordance with Code Section 26-4-116.1. A public  
99 or private school may designate an employee or agent trained in the possession and  
100 administration of epinephrine to be responsible for the storage, maintenance, and  
101 distribution of the epinephrine stocked by the school.

102 (l) A public or private school may enter into arrangements with manufacturers of approved  
103 epinephrine or third-party suppliers of epinephrine to obtain the products free of charge or  
104 at fair market or reduced prices.

105 (m) No later than July 1, 2026, the State Board of Education, in consultation with the  
106 Department of Public Health, shall adopt regulations as necessary to implement the  
107 provisions of this Code section."

108 **SECTION 2.**

109 Said part is further amended by repealing and reserving Code Section 20-2-776.1, relating  
110 to administration of auto-injectable epinephrine by school personnel.

111 **SECTION 3.**

112 Said part is further amended by repealing and reserving Code Section 20-2-776.2, relating  
113 to stock supply of auto-injectable epinephrine, requirements, and limited liability.

114 **SECTION 4.**

115 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
116 pharmacies, is amended by revising Code Section 26-4-116.1, relating to licensed health  
117 practitioners authorized to prescribe auto-injectable epinephrine for schools and pharmacists  
118 authorized to fill prescriptions, as follows:

119 "26-4-116.1.

120 (a) A physician licensed to practice medicine in this state, an advanced practice registered  
 121 nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant  
 122 acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may  
 123 prescribe ~~auto-injectable~~ epinephrine in the name of a public or private school for use in  
 124 accordance with Code Section ~~20-2-776.2~~ 20-2-776 and in accordance with a protocol  
 125 specified by such physician, advanced practice registered nurse, or physician assistant.

126 (b) A physician licensed to practice medicine in this state, an advanced practice registered  
 127 nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant  
 128 acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may  
 129 prescribe ~~auto-injectable~~ epinephrine in the name of an authorized entity in accordance  
 130 with Code Section 31-1-15.

131 (c) A pharmacist may dispense ~~auto-injectable~~ epinephrine pursuant to a prescription  
 132 issued in accordance with subsection (a) or (b) of this Code section."

133 **SECTION 5.**

134 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
 135 provisions relative to health, is amended in Code Section 31-1-15, relating to use of  
 136 auto-injectable epinephrine by authorized entities, by replacing the term "auto-injectable  
 137 epinephrine" with "epinephrine" wherever the former term appears and by revising paragraph  
 138 (2) of subsection (a) as follows:

139 "(2) 'Epinephrine' means a drug delivery system that contains a premeasured single dose  
 140 of epinephrine and has been approved by the United States Food and Drug  
 141 Administration for human use. 'Auto-injectable epinephrine' means a single-use device  
 142 used for the automatic injection of a premeasured dose of epinephrine into the human  
 143 body."

144

**SECTION 6.**

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