A BILL

To amend section 3313.719 and to enact section 3301.135 of the Revised Code to require the Department of Education to notify public and private schools of free and reduced cost epinephrine autoinjector programs and to enact the "Allison Rose Act" with regard to food allergy training for public schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.719 be amended and section 3301.135 of the Revised Code be enacted to read as follows:

Sec. 3301.135. The department of education annually shall compile a list of organizations and companies that offer free and reduced cost epinephrine autoinjectors to qualifying school districts, other public schools, and chartered nonpublic schools. The department shall make this information readily available on their web site and send a copy of the list by mail or electronically to each school district, other public school, and chartered nonpublic school.
As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code.

Sec. 3313.719.  (A) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall establish a written policy with respect to protecting students with peanut or other food allergies. The policy shall be developed in consultation with parents, school nurses and other school employees, school volunteers, students, and community members.

(B) Each school district board may create training for all staff members and age-appropriate instruction for students in grades kindergarten through twelve on food allergies and ways in which to assist an individual experiencing an allergic reaction.

(C) Training completed under division (B) of this section may include instruction in food allergies, signs and symptoms of anaphylaxis, prevention of allergic reactions, management and administration of epinephrine, and follow-up and reporting procedures.

(D) Training completed under division (B) of this section shall qualify as a professional development activity for the renewal of educator licenses, in addition to activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arise from an act or omission associated with any training under divisions (B) and (C) of this section, unless the act or omission constitutes willful or wanton misconduct:
(a) A school or school district;  

(b) A member of a district board of education;  

(c) A district or school employee or contractor;  

(d) A licensed health professional authorized to prescribe
    drugs who personally furnishes or prescribes epinephrine
    autoinjectors, consults with a superintendent, or issues a
    protocol pursuant to section 3313.7110 of the Revised Code;  

(e) An anaphylaxis training organization and its personnel
    where leadership includes a physician authorized under Chapter
    4731. of the Revised Code to practice medicine and surgery or
    osteopathic medicine and surgery who is board-certified in
    allergy and immunology as that designation is issued by a
    medical specialty certifying board recognized by the American
    board of medical specialties or American osteopathic
    association.

(2) This section does not eliminate, limit, or reduce any
other immunity or defense that a school or school district,
member of a district board of education, district or school
employee or contractor, or licensed health professional may be
entitled to under Chapter 2744. or any other provision of the
Revised Code or under the common law of this state.

Section 2. That existing section 3313.719 of the Revised
Code is hereby repealed.

Section 3. This act shall be known as the "Allison Rose
Act" in honor of Allison Rose Suhy.