

**As Reported by the House Primary and Secondary Education
Committee**

133rd General Assembly

**Regular Session
2019-2020**

Sub. H. B. No. 231

Representative Greenspan

Cosponsors: Representatives Jones, Miller, J., Patterson

A BILL

To amend section 3313.719 and to enact section 1
3301.135 of the Revised Code to require the 2
Department of Education to notify public and 3
private schools of free and reduced cost 4
epinephrine autoinjector programs and to enact 5
the "Allison Rose Act" with regard to food 6
allergy training for public schools. 7

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

Section 1. That section 3313.719 be amended and section 8
3301.135 of the Revised Code be enacted to read as follows: 9

Sec. 3301.135. The department of education annually shall 10
compile a list of organizations and companies that offer free 11
and reduced cost epinephrine autoinjectors to qualifying school 12
districts, other public schools, and chartered nonpublic 13
schools. The department shall make this information readily 14
available on their web site and send a copy of the list by mail 15
or electronically to each school district, other public school, 16
and chartered nonpublic school. 17

As used in this section, "other public school" has the 18
same meaning as in section 3301.0711 of the Revised Code. 19

Sec. 3313.719. (A) The board of education of each city, 20
local, exempted village, and joint vocational school district 21
and the governing authority of each chartered nonpublic school 22
shall establish a written policy with respect to protecting 23
students with ~~peanut or other~~ food allergies. The policy shall 24
be developed in consultation with parents, school nurses and 25
other school employees, school volunteers, students, and 26
community members. 27

(B) Each school district board may create training for all 28
staff members and age-appropriate instruction for students in 29
grades kindergarten through twelve on food allergies and ways in 30
which to assist an individual experiencing an allergic reaction. 31

(C) Training completed under division (B) of this section 32
may include instruction in food allergies, signs and symptoms of 33
anaphylaxis, prevention of allergic reactions, management and 34
administration of epinephrine, and follow-up and reporting 35
procedures. 36

(D) Training completed under division (B) of this section 37
shall qualify as a professional development activity for the 38
renewal of educator licenses, in addition to activities approved 39
by local professional development committees under division (F) 40
of section 3319.22 of the Revised Code. 41

(E) (1) The following are not liable in damages in a civil 42
action for injury, death, or loss to person or property that 43
allegedly arise from an act or omission associated with any 44
training under divisions (B) and (C) of this section, unless the 45
act or omission constitutes willful or wanton misconduct: 46

<u>(a) A school or school district;</u>	47
<u>(b) A member of a district board of education;</u>	48
<u>(c) A district or school employee or contractor;</u>	49
<u>(d) A licensed health professional authorized to prescribe</u>	50
<u>drugs who personally furnishes or prescribes epinephrine</u>	51
<u>autoinjectors, consults with a superintendent, or issues a</u>	52
<u>protocol pursuant to section 3313.7110 of the Revised Code;</u>	53
<u>(e) An anaphylaxis training organization and its personnel</u>	54
<u>where leadership includes a physician authorized under Chapter</u>	55
<u>4731. of the Revised Code to practice medicine and surgery or</u>	56
<u>osteopathic medicine and surgery who is board-certified in</u>	57
<u>allergy and immunology as that designation is issued by a</u>	58
<u>medical specialty certifying board recognized by the American</u>	59
<u>board of medical specialties or American osteopathic</u>	60
<u>association.</u>	61
<u>(2) This section does not eliminate, limit, or reduce any</u>	62
<u>other immunity or defense that a school or school district,</u>	63
<u>member of a district board of education, district or school</u>	64
<u>employee or contractor, or licensed health professional may be</u>	65
<u>entitled to under Chapter 2744. or any other provision of the</u>	66
<u>Revised Code or under the common law of this state.</u>	67
Section 2. That existing section 3313.719 of the Revised	68
Code is hereby repealed.	69
Section 3. This act shall be known as the "Allison Rose	70
Act" in honor of Allison Rose Suhy.	71