## As Reported by the House Health Committee

# **136th General Assembly**

# **Regular Session** 2025-2026

H. B. No. 462

### **Representative Richardson**

Cosponsors: Representatives Schmidt, Deeter, Somani, Baker, Barhorst, Brownlee, Gross, King, Miller, M.

То	amend sections 3313.718 and 3314.141 of the	1
	Revised Code regarding student use of a nasal	2
	epinephrine delivery device.	3

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

Section 1. That sections 3313.718 and 3314.141 of the	4
Revised Code be amended to read as follows:	5
Sec. 3313.718. (A) As used in this section, "prescriber"	6
has the same meaning as in section 4729.01 of the Revised Code.	7
(B) Notwithstanding section 3313.713 of the Revised Code	8
or any policy adopted under that section, a student of a school	9
operated by a city, local, exempted village, or joint vocational	10
school district or a student of a chartered nonpublic school may	11
possess and use an epinephrine autoinjector or nasal epinephrine	12
delivery device to treat anaphylaxis, if all of the following	13
conditions are satisfied:	14
(1) The student has the written approval of the prescriber	15
of the autoinjector or nasal device and, if the student is a	16
minor, the written approval of the parent, guardian, or other	17
person having care or charge of the student. The prescriber's	18

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the prescriber in an emergency;	46	
(k) At least one emergency telephone number for contacting	47	
the parent, guardian, or other person having care or charge of	48	
the student in an emergency;	49	
(1) Any other special instructions from the prescriber.	50	
(2) The school principal and, if a school nurse is	51	
assigned to the student's school building, the school nurse has	52	
received copies of the written approvals required by division	53	
(B)(1) of this section.	54	
(3) The school principal or, if a school nurse is assigned	55	
to the student's school building, the school nurse has received	56	
a backup dose of the anaphylaxis medication from the parent,	57	
guardian, or other person having care or charge of the student	58	
or, if the student is not a minor, from the student.	59	
If these conditions are satisfied, the student may possess	60	
and use the autoinjector or nasal device at school or at any	61	
activity, event, or program sponsored by or in which the	62	
student's school is a participant.	63	
student's school is a participant.	0.5	
(C) Whenever a student uses an autoinjector or nasal_	64	
<pre>device at school or at any activity, event, or program sponsored</pre>	65	
by or in which the student's school is a participant or whenever	66	
a school employee administers anaphylaxis medication to a	67	
student that was possessed by the student pursuant to the	68	
written approvals described in division (B)(1) of this section,	69	
a school employee shall immediately request assistance from an		
emergency medical service provider.		
(D)(1) A school district, member of a school district	72	
board of education, or school district employee is not liable in	73	
damages in a civil action for injury, death, or loss to person	74	

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or property allegedly arising from a district employee's prohibiting a student from using an autoinjector or nasal device because of the employee's good faith belief that the conditions of division (B) of this section had not been satisfied. A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's permitting a student to use an autoinjector or nasal device because of the employee's good faith belief that the conditions of division (B) of this section had been satisfied. Furthermore, when a school district is required by this section to permit a student to possess and use an autoinjector or nasal device because the conditions of division (B) of this section have been satisfied, the school district, any member of the school district board of education, or any school district employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the autoinjector or nasal device by a student for whom it was not prescribed.

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

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's prohibiting a student from using an autoinjector or nasal device because of the employee's good faith belief that the conditions of division (B) of this section had not been satisfied. A chartered nonpublic

school or any officer, director, or employee of the school is 106 not liable in damages in a civil action for injury, death, or 107 loss to person or property allegedly arising from a school 108 employee's permitting a student to use an autoinjector or nasal 109 device because of the employee's good faith belief that the 110 conditions of division (B) of this section had been satisfied. 111 Furthermore, when a chartered nonpublic school is required by 112 this section to permit a student to possess and use an 113 autoinjector or nasal device because the conditions of division 114 (B) of this section have been satisfied, the chartered nonpublic 115 school or any officer, director, or employee of the school is 116 not liable in damages in a civil action for injury, death, or 117 loss to person or property allegedly arising from the use of the 118 autoinjector or nasal device by a student for whom it was not 119 prescribed. 120

Sec. 3314.141. A community school, community school 121 governing authority, or community school employee is not liable 122 in damages in a civil action for harm allegedly arising from a 123 community school employee's prohibiting a student from using an 124 autoinjector or nasal device described in section 3313.718 of 125 the Revised Code because of the employee's good faith belief 126 that the conditions of division (B) of that section had not been 127 satisfied. A community school, community school governing 128 authority, or community school employee is not liable in damages 129 in a civil action for harm allegedly arising from a community 130 school employee's permitting a student to use an autoinjector or 131 nasal device described in that section because of the employee's 132 good faith belief that the conditions of division (B) of that 133 section had been satisfied. Furthermore, when a community school 134 is required in accordance with that section to permit a student 135 to possess and use an autoinjector or nasal device because the 136

#### H. B. No. 462 Page 6 As Reported by the House Health Committee conditions of division (B) of that section have been satisfied, 137 the community school, any member of the community school 138 governing authority, or any community school employee is not 139 liable in damages in a civil action for injury, death, or loss 140 to person or property allegedly arising from the use of the 141 autoinjector or nasal device by a student for whom it was not 142 prescribed. 143 144 This section does not eliminate, limit, or reduce any other immunity or defense that a community school, community 145 school governing authority, or community school employee may be 146 entitled to under Chapter 2744. or any other provision of the 147 Revised Code or under the common law of this state. 148 Section 2. That existing sections 3313.718 and 3314.141 of 149 the Revised Code are hereby repealed. 150