

**As Passed by the House**

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**H. B. No. 462**

**Representative Richardson**

**Cosponsors: Representatives Schmidt, Deeter, Somani, Baker, Barhorst, Brownlee, Gross, King, Miller, M., Abrams, Bird, Brennan, Bryant Bailey, Cockley, Daniels, Dovilla, Ghanbari, Glassburn, Grim, Hall, D., Hall, T., Lawson-Rowe, Lear, Lett, Manning, Mathews, A., Mathews, T., Mohamed, Odioso, Oelslager, Plummer, Rader, Ray, Robb Blasdel, Robinson, Russo, Salvo, Sigrist, Sims, Stephens, Tims, Upchurch, White, A., White, E., Williams, Willis**

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To 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:**

<b>Section 1.</b> That sections 3313.718 and 3314.141 of the	4
Revised Code be amended to read as follows:	5

<b>Sec. 3313.718.</b> (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 <u>or nasal epinephrine</u>	12
<u>delivery device</u> to treat anaphylaxis, if all of the following	13
conditions are satisfied:	14

(1) The student has the written approval of the prescriber	15
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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  
written approval shall include at least all of the following 19  
information: 20

(a) The student's name and address; 21

(b) The names and dose of the medication contained in the 22  
autoinjector or nasal device; 23

(c) The date the administration of the medication is to 24  
begin; 25

(d) The date, if known, that the administration of the 26  
medication is to cease; 27

(e) Acknowledgment that the prescriber has determined that 28  
the student is capable of possessing and using the autoinjector 29  
or nasal device appropriately and has provided the student with 30  
training in the proper use of the autoinjector or nasal device; 31

(f) Circumstances in which the autoinjector or nasal 32  
device should be used; 33

(g) Written instructions that outline procedures school 34  
employees should follow in the event that the student is unable 35  
to administer the anaphylaxis medication or the medication does 36  
not produce the expected relief from the student's anaphylaxis; 37

(h) Any severe adverse reactions that may occur to the 38  
child using the autoinjector or nasal device that should be 39  
reported to the prescriber; 40

(i) Any severe adverse reactions that may occur to another 41  
child, for whom the autoinjector or nasal device is not 42  
prescribed, should such a child receive a dose of the 43

medication; 44

(j) At least one emergency telephone number for contacting 45  
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

(l) 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

(C) Whenever a student uses an autoinjector or nasal 64  
device at school or at any activity, event, or program sponsored 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 70  
emergency medical service provider. 71

(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  
or property allegedly arising from a district employee's 75  
prohibiting a student from using an autoinjector or nasal device 76  
because of the employee's good faith belief that the conditions 77  
of division (B) of this section had not been satisfied. A school 78  
district, member of a school district board of education, or 79  
school district employee is not liable in damages in a civil 80  
action for injury, death, or loss to person or property 81  
allegedly arising from a district employee's permitting a 82  
student to use an autoinjector or nasal device because of the 83  
employee's good faith belief that the conditions of division (B) 84  
of this section had been satisfied. Furthermore, when a school 85  
district is required by this section to permit a student to 86  
possess and use an autoinjector or nasal device because the 87  
conditions of division (B) of this section have been satisfied, 88  
the school district, any member of the school district board of 89  
education, or any school district employee is not liable in 90  
damages in a civil action for injury, death, or loss to person 91  
or property allegedly arising from the use of the autoinjector 92  
or nasal device by a student for whom it was not prescribed. 93

This section does not eliminate, limit, or reduce any 94  
other immunity or defense that a school district, member of a 95  
school district board of education, or school district employee 96  
may be entitled to under Chapter 2744. or any other provision of 97  
the Revised Code or under the common law of this state. 98

(2) A chartered nonpublic school or any officer, director, 99  
or employee of the school is not liable in damages in a civil 100  
action for injury, death, or loss to person or property 101  
allegedly arising from a school employee's prohibiting a student 102

from using an autoinjector or nasal device because of the 103  
employee's good faith belief that the conditions of division (B) 104  
of this section had not been satisfied. A chartered nonpublic 105  
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  
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

This section does not eliminate, limit, or reduce any 144  
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