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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

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:

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 <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