

**HB0384/253022/1**

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 384  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Bronchodilator**” insert “**and Epinephrine**”; in the same line, strike “**Policy**” and substitute “**Policies**”; in line 8, after “personnel;” insert “requiring each county board and authorizing nonpublic schools in the State to update their policies to require certain school nurses and other school personnel to complete a certain training before they are authorized to administer auto-injectable epinephrine to a student who is determined to be, or is perceived to be, in anaphylaxis; requiring the State Department of Education, in consultation with certain groups, to identify or develop a training for certain school personnel to identify symptoms of anaphylaxis, asthma, or respiratory distress in students;”; in the same line, strike “a”; in the same line, after “bronchodilator” insert “and epinephrine”; in line 9, strike “policy” and substitute “policies”; and after line 9, insert:

“BY repealing and reenacting, with amendments,  
Article - Education  
Section 7-426.2 and 7-426.3  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)””.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“7-426.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Anaphylaxis” means a sudden, severe, and potentially life-threatening allergic reaction that occurs when an individual is exposed to an allergen.

(Over)

(3) “Auto-injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(b) Each county board shall establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer auto-injectable epinephrine, if available, to a student who is determined **BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF AVAILABLE,** to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7-426.1 of this subtitle; or

(2) Has [a prescription for] **BEEN PRESCRIBED** epinephrine [as prescribed] by an authorized licensed health care practitioner under the Health Occupations Article.

(c) (1) **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, THE AMERICAN LUNG ASSOCIATION, AND THE ASTHMA AND ALLERGY FOUNDATION OF AMERICA, SHALL IDENTIFY OR DEVELOP A TRAINING TO:**

(i) **IDENTIFY THE SYMPTOMS OF ASTHMA AND RESPIRATORY DISTRESS;**

(ii) **IDENTIFY THE SYMPTOMS OF ANAPHYLAXIS; AND**

(iii) **HOW TO DISTINGUISH BETWEEN ANAPHYLAXIS AND ASTHMA OR RESPIRATORY DISTRESS.**

**(2) THE TRAINING IDENTIFIED OR DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED TO SCHOOL NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE TRAINING.**

**(3) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A PAID PROFESSIONAL DEVELOPMENT TRAINING.**

**(D) The policy established under subsection (b) of this section shall include:**

**(1) [Training for school personnel on how to recognize the symptoms of anaphylaxis] THE TRAINING IDENTIFIED OR DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION;**

**(2) Procedures for the emergency administration of auto-injectable epinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;**

**(3) The proper follow-up emergency procedures;**

**(4) A provision authorizing a school nurse to obtain and store at a public school auto-injectable epinephrine to be used in an emergency situation; and**

**(5) A requirement that each public school develop and implement a method for notifying the parents or guardians of students of the school's policy under this section at the beginning of each school year.**

**(E) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.**

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(2) AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.

(3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.

(4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.

[(d)] (F) Except for any willful or grossly negligent act, a school nurse or other school personnel who respond in good faith to the anaphylactic reaction of a child in accordance with this section may not be held personally liable for any act or omission in the course of responding to the reaction.

[(e)] (G) (1) Each public school shall submit, on the form that the Department requires, a report to the Department on each incident at the school or at a related school event that required the use of auto-injectable epinephrine.

(2) The Department shall develop and disseminate a standard form to report each incident requiring the use of auto-injectable epinephrine at a public school.

7-426.3.

(a) (1) In this section the following words have the meanings indicated.

(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when an individual is exposed to an allergen.

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(3) “Auto-injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(4) “School personnel” means individuals who are employed by a nonpublic school, including part-time employees, teachers and substitute teachers employed by the school for at least 7 days each school year, a school nurse, registered nurse case manager, delegating nurse, and administrative staff.

(b) Each nonpublic school in the State may establish a policy authorizing school personnel to administer auto-injectable epinephrine, if available, to a student who is determined **BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.6(C) OF THIS SUBTITLE, IF AVAILABLE,** to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7-426.1 of this subtitle; or

(2) Has [a prescription for] **BEEN PRESCRIBED** epinephrine [as prescribed] by an authorized licensed health care practitioner under the Health Occupations Article.

(c) The policy established under subsection (b) of this section shall include:

(1) [Training for school personnel on how to recognize the signs and symptoms of anaphylaxis by a licensed health care practitioner who is authorized to administer auto-injectable epinephrine and who has been trained in an established protocol on how to recognize the signs and symptoms of anaphylaxis] **THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A**

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SCHOOL NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE TRAINING;

(2) Procedures for the emergency administration of auto-injectable epinephrine BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER;

(3) The proper follow-up emergency procedures;

(4) A provision authorizing a school nurse or other licensed health care practitioner to obtain and, school personnel to store, at a nonpublic school auto-injectable epinephrine to be used in an emergency situation;

(5) A requirement that the nonpublic school develop and implement a method for notifying the parents or guardians of students of the school's policy under this section at the beginning of each school year; and

(6) An ongoing process for oversight and monitoring by a licensed health care practitioner of the implementation of the policy established under subsection (b) of this section.

**(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY PROVIDE AUTO-INJECTABLE EPINEPHRINE TO A SCHOOL NURSE OR DESIGNATED VOLUNTEER FOR USE IN ACCORDANCE WITH THIS SECTION.**

**(2) AUTO-INJECTABLE EPINEPHRINE USED UNDER THIS SECTION MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.**

**(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.**

**(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN FUNDING FOR THE PURCHASE OF AUTO-INJECTABLE EPINEPHRINE FROM A LICENSED PHARMACY OR MANUFACTURER.**

**[(d)] (E) Except for any willful or grossly negligent act, school personnel who respond in good faith to the anaphylactic reaction of a child in accordance with this section may not be held personally liable for any act or omission in the course of responding to the reaction.**

On page 2, in line 14, after “DETERMINED” insert “**BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF AVAILABLE,**”; in line 19, strike “A PRESCRIPTION FOR” and substitute “**BEEN PRESCRIBED**”; in lines 19 and 20, strike “AS PRESCRIBED”; in line 22, strike “A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT” and substitute “**NEITHER A SCHOOL NURSE NOR ANY OTHER SCHOOL PERSONNEL MAY**”; in line 27, after “(C)” insert “**(1) THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE SHALL BE PROVIDED TO SCHOOL NURSES AND OTHER VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL JUDGEMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE TRAINING.**”

**(2) THE TRAINING PROVIDED UNDER THIS SUBSECTION SHALL BE A PAID PROFESSIONAL DEVELOPMENT TRAINING.**

**(D)**”;

strike beginning with “TRAINING” in line 29 down through “DISTRESS” in line 31 and substitute “**THE TRAINING REQUIRED UNDER SUBSECTION (C) OF THIS SECTION**”; and in line 33, after “BRONCHODILATOR” insert “**BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER**”.

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On page 3, in lines 9, 21, and 26, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively; in lines 12, 16, and 19, in each instance, strike “DELIVERY” and substitute “ADMINISTRATION”; and strike beginning with “OR” in line 10 down through “PERSONNEL” in line 11 and substitute “OR DESIGNATED VOLUNTEER”.

On page 4, in line 23, strike “EACH” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH”; in line 25, strike “, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 26, after “DETERMINED” insert “BY AN INDIVIDUAL WHO HAS UNDERGONE THE TRAINING PROVIDED UNDER § 7-426.2(C) OF THIS SUBTITLE, IF AVAILABLE,”; in line 31, strike “A PRESCRIPTION FOR” and substitute “BEEN PRESCRIBED”; and in lines 31 and 32, strike “AS PRESCRIBED”.

On page 5, strike beginning with “TRAINING” in line 8 down through “DISTRESS” in line 13 and substitute “THE TRAINING IDENTIFIED OR DEVELOPED UNDER § 7-426.2(C) OF THIS SUBTITLE FOR SCHOOL NURSES AND VOLUNTARY SCHOOL PERSONNEL WHO ARE DESIGNATED BY A SCHOOL NURSE AND, IN THE CLINICAL JUDGMENT OF THE SCHOOL NURSE, ARE APPROPRIATE RECIPIENTS OF THE TRAINING”; in line 15, after “BRONCHODILATOR” insert “BY A SCHOOL NURSE OR DESIGNATED VOLUNTEER”; and strike beginning with “OR” in line 30 down through “PERSONNEL” in line 31 and substitute “OR DESIGNATED VOLUNTEER”.

On page 6, in lines 1, 5, and 8, in each instance, strike “DELIVERY” and substitute “ADMINISTRATION”.