

SENATE BILL 299

F1

(2lr1004)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Young, Feldman, and Washington** Washington, Carozza, Hester, and Simonaire

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Education – Public and Nonpublic Schools – Seizure Action Plans**
3 **(Brynleigh’s Act)**

4 FOR the purpose of requiring a county board of education and authorizing a nonpublic
5 school, beginning in a certain school year, to require a certain number of school
6 personnel at the school to be trained in certain seizure recognition and response
7 methods; requiring a public school, beginning in a certain school year, to ~~provide~~
8 ~~online or in-person training~~ require certain school personnel to make a certain
9 presentation with a certain frequency to school personnel with direct contact and
10 supervision of students ~~on certain seizure recognition and response methods;~~
11 requiring the State Department of Education and the Maryland Department of
12 Health, in consultation with a certain entity and stakeholders, to develop guidelines
13 and a training program for certain school personnel ~~on the health care needs of a~~
14 ~~student diagnosed with a seizure disorder~~; requiring the parent or guardian of a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 student diagnosed with a seizure disorder to collaborate with school personnel to
 2 create a seizure action plan and provide the school with certain information;
 3 requiring the State Department of Education, in collaboration with the Maryland
 4 Department of Health, to ensure health guidelines include certain information on
 5 seizures; and generally relating to responding to seizure symptoms and emergencies
 6 in schools in the State.

7 BY adding to

8 Article – Education

9 Section 7–450

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 13 That the Laws of Maryland read as follows:

14 **Article – Education**

15 **7–450.**

16 (A) IN THIS SECTION, “SEIZURE ACTION PLAN” MEANS A WRITTEN
 17 INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR
 18 THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

19 (B) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A COUNTY BOARD
 20 SHALL REQUIRE AT LEAST TWO SCHOOL PERSONNEL AT EACH PUBLIC SCHOOL ~~TO~~
 21 ~~BE TRAINED~~, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO COMPLETE A
 22 PAID PROFESSIONAL DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR
 23 IN-PERSON, IN:

24 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

25 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
 26 SEIZURE; AND

27 (III) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,~~
 28 ~~ADMINISTERING ADMINISTERING~~ IF WRITTEN AUTHORIZATION IS GIVEN BY A
 29 PARENT OR GUARDIAN UNDER SUBSECTION (G) OF THIS SECTION, ADMINISTERING
 30 OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE RESCUE
 31 MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS
 32 APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS
 33 NERVE STIMULATION.

1 (2) ~~SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE~~
2 ~~BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH~~
3 ~~SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~

4 ~~(3)~~ (1) A SCHOOL NURSE MAY, CERTIFIED NURSING ASSISTANT, OR
5 CERTIFIED MEDICATION TECHNICIAN SHALL SERVE AS ONE OF THE TRAINED
6 SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7 (ii) AN INDIVIDUAL DESIGNATED WHO IS RECOMMENDED BY
8 THE SCHOOL NURSE OR OTHER SCHOOL HEALTH PRACTITIONER OR A VOLUNTEER
9 AND WHO VOLUNTEERS MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL
10 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

11 ~~(4)~~ (3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE
13 ISSUED BY THE DEPARTMENT.

14 (c) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A PUBLIC SCHOOL
15 SHALL PROVIDE ONLINE OR IN PERSON TRAINING EVERY 2 YEARS TO
16 ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM
17 AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL
18 PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON REQUIRE
19 AN INDIVIDUAL TRAINED UNDER SUBSECTION (B) OF THIS SECTION TO PRESENT,
20 EVERY 2 YEARS, TO ALL SCHOOL PERSONNEL WHO HAVE DIRECT CONTACT AND
21 SUPERVISION OF STUDENTS AN ABRIDGED VERSION OF THE BEST PRACTICES FOR
22 SEIZURE RESPONSE, BASED ON THE SCHOOL HEALTH SERVICES GUIDELINES
23 DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION, INCLUDING:

24 (i) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;
25 AND

26 (ii) PROCEDURES FOR NOTIFYING THE SCHOOL PERSONNEL
27 TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

28 (2) SCHOOL PERSONNEL SHALL ATTEND THE PRESENTATION
29 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING PROFESSIONAL
30 DEVELOPMENT, A PRESERVICE MEETING, OR A STAFF MEETING.

31 (3) A COUNTY BOARD IS ENCOURAGED TO PROVIDE TO SCHOOL BUS
32 DRIVERS AND SCHOOL BUS AIDES:

33 (i) THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF
34 THIS SUBSECTION DURING THEIR WORK HOURS; OR

1 **(II) THE INFORMATION FROM THE PRESENTATION REQUIRED**
 2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

3 ~~(2)~~ **(D)** **THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF**
 4 **HEALTH, IN CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND**
 5 **OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP SCHOOL HEALTH SERVICES**
 6 **GUIDELINES AND A TRAINING PROGRAM FOR THE SCHOOL PERSONNEL UNDER**
 7 **SUBSECTION (B) OF THIS SECTION ON THE ~~HEALTH CARE NEEDS~~ MANAGEMENT OF**
 8 **A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.**

9 ~~(D)~~ **(E)** **(1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC**
 10 **SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:**

11 **(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;**

12 **(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A**
 13 **SEIZURE; AND**

14 **(III) ~~ADMINISTERING~~ SUBJECT TO PARAGRAPH (3) OF THIS**
 15 **SUBSECTION, ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION OF**
 16 **A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE**
 17 **DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION,**
 18 **AND MANUAL VAGUS NERVE STIMULATION.**

19 ~~(2)~~ **~~SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE~~**
 20 **~~BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH~~**
 21 **~~SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~**

22 ~~(3)~~ **(2)** **A SCHOOL NURSE OR OTHER SCHOOL HEALTH CARE**
 23 **PRACTITIONER MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL**
 24 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

25 **(3)** **IN ORDER TO AUTHORIZE SCHOOL PERSONNEL TO ADMINISTER**
 26 **OR ASSIST IN THE ADMINISTRATION OF SEIZURE MEDICATION, A NONPUBLIC**
 27 **SCHOOL SHALL OBTAIN WRITTEN AUTHORIZATION FROM A PARENT OR GUARDIAN IN**
 28 **ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.**

29 ~~(E)~~ **(F)** **(1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED**
 30 **WITH A SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO**
 31 **CREATE A SEIZURE ACTION PLAN.**

32 **(2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND**
 33 **DEPARTMENT OF HEALTH, SHALL ENSURE:**

1 **(I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID**
2 **PROCEDURES; AND**

3 **(II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.**

4 **(3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:**

5 **(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN**
6 **ADMINISTRATOR; AND**

7 **(II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER**
8 **RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A**
9 **SEIZURE DISORDER.**

10 ~~(F)~~ (G) **(1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED**
11 **WITH A SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:**

12 **(I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL**
13 **EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION**
14 **AT SCHOOL;**

15 **(II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED**
16 **PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND**

17 **(III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH**
18 **CARE PRACTITIONER THAT INCLUDES:**

19 **1. THE STUDENT'S NAME;**

20 **2. THE NAME AND PURPOSE OF THE MEDICATION;**

21 **3. THE PRESCRIBED DOSAGE;**

22 **4. THE ROUTE OF ADMINISTRATION;**

23 **5. THE FREQUENCY THAT THE MEDICATION MAY BE**
24 **ADMINISTERED; AND**

25 **6. THE CIRCUMSTANCES UNDER WHICH THE**
26 **MEDICATION MAY BE ADMINISTERED.**

27 **(2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A**
28 **SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE**
29 **DISORDER SYMPTOMS SHALL BE:**

1 (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS
2 SUBMITTED; AND

3 (II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF
4 THIS SUBSECTION ARE FULFILLED.

5 ~~(G)~~ (H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE
6 ANY PUBLIC SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN
7 SELF-ADMINISTRATION OF MEDICATION FOR A SEIZURE, UNLESS THE PERSONNEL:

8 (1) HAS COMPLETED THE PAID PROFESSIONAL DEVELOPMENT
9 TRAINING UNDER SUBSECTION (B) OF THIS SECTION; AND

10 (2) IS AUTHORIZED THROUGH WRITTEN AUTHORIZATION UNDER
11 SUBSECTION (G) OF THIS SECTION TO ADMINISTER OR ASSIST IN
12 SELF-ADMINISTRATION OF MEDICATION.

13 (I) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE
14 OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN ~~ACCORDANCE WITH THIS~~
15 ~~SECTION AND IN~~ GOOD FAITH TO A STUDENT EXPERIENCING A SEIZURE OR SEIZURE
16 DISORDER SYMPTOMS IN ACCORDANCE WITH THIS SECTION ~~IN ACCORDANCE WITH~~
17 ~~THIS SECTION~~ IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE
18 COURSE OF RESPONDING TO THE SITUATION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.