MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Paden

To: Universities and Colleges; Appropriations

HOUSE BILL NO. 707

AN ACT TO REQUIRE EACH EDUCATIONAL BUILDING, ADMINISTRATIVE OFFICE, DORMITORY AND CAFETERIA ON THE CAMPUS OF PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS TO HAVE AN EPINEPHRINE AUTO-INJECTOR AND AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) STORED IN A SECURE AND EASILY ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO DEFINE THE TERMS USED IN THIS ACT; TO REQUIRE EACH PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION TO ADOPT AND IMPLEMENT A POLICY REGARDING THE MAINTENANCE, STORAGE, ADMINISTRATION AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS, AND THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS; TO PRESCRIBE THE MINIMUM REQUIREMENTS OF THE POLICY; TO PROVIDE THAT ONLY LICENSED MEDICAL PROFESSIONALS OR MEMBERS OF THE CAMPUS COMMUNITY TRAINED BY LICENSED MEDICAL PROFESSIONALS SHALL BE AUTHORIZED TO ADMINISTER EPINEPHRINE AUTO-INJECTORS OR USE AN AED FOR PERSON IN EMERGENCY ANAPHYLAXIS OR CARDIAC ARREST; TO REQUIRE THE STATE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE COMMISSIONER OF HIGHER EDUCATION AND THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO ESTABLISH GUIDELINES FOR THE DEVELOPMENT OF POLICIES BY PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO ADOPT RULES REGARDING THE MAINTENANCE, STORAGE, ADMINISTRATION AND DISPOSAL OF AN EPINEPHRINE AUTO-INJECTOR, AND THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS ON POSTSECONDARY CAMPUSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the following terms shall have the meanings ascribed in this section, unless context clearly requires otherwise:

(a) "Anaphylaxis" means a sudden, severe and

potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(b) "Automated external defibrillator" or "AED" means a portable electronic device that automatically diagnoses the life-threatening cardiac arrhythmias of ventricular fibrillation (VF) and pulseless ventricular tachycardia, and is able to treat them through defibrillation, the application of electricity which stops the arrhythmia, allowing the heart to reestablish an effective rhythm.

(c) "Campus" means a public postsecondary educational institution under the management and control of the Board of Trustees of State Institutions of Higher Learning or jurisdiction of the Mississippi Community College Board and may include, in addition to the main campus, off-campus and secondary locations, such as branch campuses, teaching locations and regional centers.

(d) "Epinephrine auto—injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis.

(e) "Licensed campus medical professional" means a physician, physician assistant, advanced practice nurse, or registered nurse who is appropriately licensed by the State of Mississippi and is designated by an postsecondary educational institution to oversee the institution's epinephrine

administration, CPR instruction, automated external defibrillator (AED) usage and training program.

(f) "Member of the campus community" means an individual who is a student, faculty, or staff member of an institution of higher education.

(g) "Public postsecondary educational institution" means:

(i) A four-year institution of higher learning under the management and control of the Board of Trustees of State Institutions of Higher Learning; and

(ii) A two-year educational institution under the jurisdiction of the Mississippi Community College Board.

(h) "Trained designee" means a member of the campus community trained by a licensed campus medical professional in the emergency administration of epinephrine via an auto-injector mechanism, administration of CPR and use of an automated external defibrillator (AED).

SECTION 2. All public postsecondary educational institutions shall comply with all provisions of this act. Each campus of such institutions shall have, in each educational building, administrative office, dormitory and cafeteria, an epinephrine auto-injector and an AED, which is stored in a secure and easily accessible location within each respective building to be used by a licensed campus medical professional or trained designee for use

in the event of an emergency anaphylactic reaction or cardiac arrest.

SECTION 3. (1) Each public postsecondary educational institution shall adopt and implement a policy regarding the maintenance, storage, administration and disposal of epinephrine auto-injectors, and the maintenance, storage, testing and use of automated external defibrillators (AEDs), on the institution's campus.

(2) The adopted policy must provide:

(a) That licensed campus medical professionals or members of the campus community under the guidance of a licensed campus medical professional who are authorized and trained may administer an epinephrine auto—injector to or use an AED on a member of the campus community for whom the designee is responsible, when the designee in good faith believes that the member of the campus community is reasonably believed to be experiencing anaphylaxis or severe cardiac arrest on the institution's campus;

(b) That licensed campus medical professionals or members of the campus community under the guidance of a licensed campus medical professional who are authorized and trained may administer an epinephrine auto—injector to a person who is reasonably believed to be experiencing anaphylaxis, or use an AED on a person who is reasonably believed to be experiencing severe cardiac arrest at an off-campus event or while in transit to or

from an off-campus event sponsored by the postsecondary educational institution;

(c) Permit a trained designee, when responsible for the safety of one (1) or more members of the campus community, to carry in a secure but easily accessible location a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician;

(d) That the licensed campus medical professional shall have responsibility for training designees in the:

(i) Administration of epinephrine via an auto-injector mechanism;

(ii) Distributing prescribed epinephrine auto-injectors to trained designees; and

(iii) Proper administration of CPR and use of an AED; and

(e) That a physician, physician assistant, advanced practice nurse or registered nurse who is appropriately licensed by the State of Mississippi shall be designated to serve as the licensed campus medical professional, authorized to:

(i) Establish and administer a standardized training protocol for the emergency administration of epinephrine, CPR and use of an AED by trained designees;

(ii) Ensure that trained designees have satisfactorily completed the training protocol;

(iii) Obtain a supply of epinephrine auto-injectors under a standing protocol from a licensed physician; and

(iv) Control distribution to trained designees of epinephrine auto-injectors.

(3) To become a trained designee, an individual must:

(a) Be eighteen (18) years of age or older;

(b) Have, or reasonably expect to have, responsibility for at least one (1) other member of the campus community as a result of the individual's occupational or volunteer status; and

(c) Have satisfactorily completed a standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed by the State Department of Health, in consultation with the Commissioner of Higher Education and the Executive Director of the Mississippi Community College Board, in accordance with Section 4 of this act.

SECTION 4. The State Department of Health, in consultation with the Commissioner of Higher Education and the Executive Director of the Mississippi Community College Board, shall establish guidelines for the development of a policy by a public postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis, the administration of CPR and the emergency use of an AED on a member of the campus community in cardiac arrest

when a medical professional is not available. The guidelines shall address issues including, but not be limited to, the responsibilities of the institution of higher education, the licensed campus medical professional, and the trained designee for the emergency administration of epinephrine, administration of CPR and use of an AED. The department shall disseminate the guidelines to the president of each public postsecondary educational institution.

SECTION 5. (1) The State Department of Health shall adopt rules regarding the maintenance, storage, administration and disposal of an epinephrine auto-injector, and the maintenance, storage, testing and use of AEDs on the campus of a postsecondary educational institution subject to a policy adopted under Section 3 of this act. The rules must establish:

(a) The number of epinephrine auto-injectors and AEDs available at each campus;

(b) The process to be used by each postsecondary educational institution to check the inventory of epinephrine auto-injectors and AEDs at regular intervals for expiration and replacement and, in the case of AEDs, testing; and

(c) The amount of training required for personnel or volunteers to administer an epinephrine auto—injector, administer CPR or use an AED.

(2) No licensed campus medical professional, trained designee, or physician providing a prescription under a standing

protocol for epinephrine pursuant to this act, shall be held liable for any good faith act or omission committed in accordance with the provisions of this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

SECTION 6. Nothing in this act shall be construed to:

(a) Permit a trained designee to perform the duties or fill the position of a licensed medical professional;

(b) Prohibit the administration of an epinephrine auto-injector mechanism by a person acting pursuant to a lawful prescription, administration of CPR or use of an AED; or

(c) Prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector mechanism, administering CPR or using an AED if the duties are consistent with the accepted standards of the member's profession.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

ST: Public universities and colleges; require to have epinephrine auto-injectors and AEDs in every building on campus.