MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Paden

To: Education;
Appropriations

HOUSE BILL NO. 708

AN ACT TO REQUIRE EACH SCHOOL IN EVERY SCHOOL DISTRICT TO HAVE AN EPINEPHRINE AUTO-INJECTOR AND AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EACH EDUCATIONAL BUILDING, CENTRAL ADMINISTRATIVE OFFICE AND CAFETERIA, STORED IN A SECURE AND EASILY ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO DEFINE THE TERMS USED IN THIS ACT; TO REQUIRE EACH LOCAL SCHOOL BOARD 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 SCHOOL PERSONNEL 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 STATE SUPERINTENDENT OF PUBLIC EDUCATION, TO ESTABLISH GUIDELINES FOR THE DEVELOPMENT OF POLICIES BY LOCAL SCHOOL DISTRICTS; 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 IN PUBLIC SCHOOLS; 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) "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.

(d) "Licensed medical professional" means a physician, physician assistant, advanced practice nurse, registered nurse or school nurse who is appropriately licensed by the State of Mississippi and is designated by a the local school board institution to oversee the district's epinephrine administration, CPR instruction, automated external defibrillator (AED) usage and training program.

(e) "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.

(f) "School" means a public elementary or secondary educational facility under the control of a local school board, and all the instructional and subsidiary buildings situated on the same campus, off-campus teaching locations and regional centers under the jurisdiction of the school board.

(g) "School personnel" means an individual who is a faculty or staff member of the local school district.

(h) "Trained designee" means a member of the school personnel trained by a licensed 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 school districts shall comply with all provisions of this act. Each school in every school district shall have, in each educational building, central administrative office 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 medical professional or trained designee for use in the event of an emergency anaphylactic reaction or cardiac arrest.

SECTION 3. (1) Each school district 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 medical professionals or school personnel under the guidance of a licensed medical professional who are authorized and trained may administer an epinephrine auto—injector to or use an AED, when the designee in good faith believes that an individual is reasonably believed to be experiencing anaphylaxis or severe cardiac arrest on the school premises;

(b) That licensed medical professionals or school personnel under the guidance of a licensed 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 school district;

(c) Permit a trained designee 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 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, registered nurse or school nurse who is appropriately licensed by the State of Mississippi shall be designated to serve as the licensed 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 students and other persons 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 medical professional in accordance with guidelines developed by the State Department of Health, in consultation with the State Superintendent of Public Education, in accordance with Section 4 of this act.

SECTION 4. The State Department of Health, in consultation with the State Superintendent of Public Education, shall establish guidelines for the development of a policy by local school districts for the emergency administration of epinephrine to students, school personnel and other persons for anaphylaxis, the administration of CPR and the emergency use of an AED on a student, school personnel or other person 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 school district, the licensed 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 superintendent of each public school district.

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 in schools 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 school;

(b) The process to be used by each school district 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 medical professional, trained designee, or physician providing a prescription under a standing protocol for epinephrine in accordance with 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.