

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EPINEPHRINE DELIVERY SYSTEMS; AMENDING SECTION 33-520, IDAHO  
2 CODE, TO REVISE PROVISIONS REGARDING EPINEPHRINE DELIVERY SYSTEMS;  
3 AMENDING SECTION 33-520A, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
4 LIFE-THREATENING ALLERGIES IN SCHOOLS AND GUIDELINES REGARDING EPI-  
5 NEPHRINE DELIVERY SYSTEMS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
6 EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 33-520, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-520. POLICY GOVERNING MEDICAL INHALERS, EPINEPHRINE ~~AUTO-INJEC-~~  
12 ~~TORS DELIVERY SYSTEMS~~, INSULIN AND BLOOD GLUCOSE MONITORING SUPPLIES. (1)  
13 The board of trustees of each school district, including charter districts,  
14 shall adopt a policy permitting the self-administration of medication ad-  
15 ministered by way of a metered-dose inhaler by a pupil for asthma or other po-  
16 tentially life-threatening respiratory illness or by way of an epinephrine  
17 ~~auto-injector delivery system~~ for severe allergic reaction (anaphylaxis).  
18 On or before September 1, 2016, such boards of trustees shall also adopt a  
19 policy permitting the self-administration of diabetes medication and blood  
20 glucose monitoring by a pupil with diabetes.

21 (2) As used in this section:

22 (a) "Medication" means an epinephrine ~~auto-injector delivery system~~, a  
23 metered-dose inhaler or a dry powder inhaler or insulin prescribed by a  
24 physician and having an individual label; and

25 (b) "Self-administration" means a student's use of medication or of  
26 blood glucose monitoring supplies pursuant to prescription or written  
27 direction from a physician.

28 (3) A student who is permitted to self-administer medication or blood  
29 glucose monitoring pursuant to this section shall be permitted to possess  
30 and use a prescribed inhaler, an epinephrine ~~auto-injector delivery system~~,  
31 insulin or blood glucose monitoring supplies at all times.

32 (4) Nothing in this section shall be construed to prevent a school dis-  
33 trict from requiring pupils to maintain current duplicate prescription med-  
34 ications or blood glucose monitoring supplies with the school nurse or, in  
35 the absence of such nurse, with the school administrator.

36 SECTION 2. That Section 33-520A, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 33-520A. LIFE-THREATENING ALLERGIES IN SCHOOLS -- GUIDELINES, STOCK  
39 SUPPLY OF EPINEPHRINE ~~AUTO-INJECTORS DELIVERY SYSTEMS~~ AND EMERGENCY ADMIN-

1 ISTRATION. (1) As used in this section, the following definitions shall ap-  
2 ply:

3 (a) "Administer" means the direct application of an epinephrine ~~auto-~~  
4 ~~injector~~ delivery system to the body of an individual.

5 (b) "Designated school personnel" means an employee, agent or vol-  
6 unteer of a school designated by the governing authority of a school  
7 who has completed the training to provide or administer an epinephrine  
8 ~~auto-injector~~ delivery system to a student.

9 (c) "Epinephrine auto-injector delivery system" means a device ~~that~~  
10 ~~automatically injects a premeasured dose of epinephrine that is ap-~~  
11 ~~proved by the federal food and drug administration that contains a~~  
12 ~~premeasured dose of epinephrine and that is used to administer epineph-~~  
13 ~~rine into the human body.~~

14 (d) "Provide" means the supply of one (1) or more epinephrine ~~auto-in-~~  
15 ~~jectors~~ delivery systems to an individual.

16 (e) "School" means any public or nonpublic school.

17 (f) "Self-administration" means a student or other person's discre-  
18 tionary use of an epinephrine ~~auto-injector~~ delivery system, whether  
19 provided by the student or by a school nurse or designated school per-  
20 sonnel pursuant to the provisions of this section.

21 (2) Any physician, advanced practice registered nurse licensed to pre-  
22 scribe or physician assistant licensed to prescribe pursuant to title 54,  
23 Idaho Code, may prescribe epinephrine ~~auto-injectors~~ delivery systems in  
24 the name of a school to be maintained for use in accordance with subsection  
25 (3) of this section. Licensed pharmacists and physicians may dispense epi-  
26 nephrine ~~auto-injectors~~ delivery systems pursuant to a prescription issued  
27 in accordance with this subsection. A school may maintain a stock supply of  
28 epinephrine ~~auto-injectors~~ delivery systems.

29 (3) The governing authority of a school may authorize school nurses and  
30 designated school personnel to do the following:

31 (a) Provide an epinephrine ~~auto-injector~~ delivery system to a student  
32 to self-administer the epinephrine ~~auto-injector~~ delivery system in  
33 accordance with a prescription specific to the student on file with the  
34 school nurse;

35 (b) Administer an epinephrine ~~auto-injector~~ delivery system to a stu-  
36 dent in accordance with a prescription specific to the student on file  
37 with the school nurse; and

38 (c) Administer an epinephrine ~~auto-injector~~ delivery system to any  
39 student or other individual on school premises that the school nurse  
40 or designated school personnel in good faith believes is experiencing  
41 anaphylaxis regardless of whether the student or other individual has a  
42 prescription for an epinephrine ~~auto-injector~~ delivery system.

43 (4) A school may enter into arrangements with manufacturers of epineph-  
44 rine ~~auto-injectors~~ delivery systems or third-party suppliers of epineph-  
45 rine ~~auto-injectors~~ delivery systems to obtain epinephrine ~~auto-injectors~~  
46 delivery systems at fair market price, reduced price or free.

47 (5) The governing authority of a school that participates in supplying  
48 and administering epinephrine ~~auto-injectors~~ delivery systems pursuant to  
49 the provisions of this section shall do the following:

1 (a) Require each school that maintains a stock supply and administers  
2 epinephrine ~~auto-injectors~~ delivery systems to submit a report of each  
3 incident at the school or related school event involving a severe al-  
4 lergic reaction or the administration of an epinephrine ~~auto-injector~~  
5 delivery system to the governing authority of the school or its de-  
6 signee; and

7 (b) Establish detailed standards for training programs that must be  
8 completed by designated school personnel in order to provide or admin-  
9 ister an epinephrine ~~auto-injector~~ delivery system in accordance with  
10 this section. Such training may be conducted online and, at a minimum,  
11 shall cover:

12 (i) Techniques on how to recognize symptoms of severe allergic  
13 reactions, including anaphylaxis;

14 (ii) Standards and procedures for the storage, administration and  
15 disposal of an epinephrine ~~auto-injector~~ delivery system; and

16 (iii) Emergency follow-up procedures.

17 (6) There shall be no civil liability for any damages for a physician,  
18 advanced practice registered nurse, physician's assistant or pharma-  
19 cist providing a prescription or standing protocol for school epinephrine  
20 ~~auto-injectors~~ delivery systems consistent with the standard of care for  
21 the provider. Further, there shall be no civil liability for damages for  
22 a school or its employees or agents for any injuries that result from the  
23 administration or self-administration of an epinephrine ~~auto-injector~~  
24 delivery system regardless of whether authorization for use was given by the  
25 student's parents, guardian or medical provider provided the actions taken  
26 in administering or providing the ~~injector~~ epinephrine delivery system  
27 were reasonable under the circumstances. The liability protections in this  
28 section do not apply to acts or omissions constituting gross negligence,  
29 those that are reckless or that constitute willful and wanton behavior. The  
30 liability protections in this section are in addition to any provided under  
31 section 5-330, Idaho Code.

32 SECTION 3. An emergency existing therefor, which emergency is hereby  
33 declared to exist, this act shall be in full force and effect on and after  
34 July 1, 2026.