

HOUSE No. 4428

Substituted by the House, on motion of Mr. Kafka of Stoughton, for a bill with the same title (House, No. 417). June 23, 2016.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act improving students' access to life saving treatments.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve forthwith student access to emergency medical treatment, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 54B of chapter 71 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following 2 paragraphs:-

4 Notwithstanding any general or special law to the contrary, a student with diabetes who
5 attends public or private primary, elementary, middle or high school shall be permitted to possess
6 and administer any medical supplies reasonably required to perform blood glucose testing and to
7 administer insulin and glucose or substitute, in any area within or on the grounds of the school or
8 at a school related activity, at any time determined to be necessary by the student for the
9 purposes of monitoring and treating the student's diabetes, provided, however, that the parent or
10 legal guardian of the student submits in writing to the principal, head of the school, and the
11 school nurse that he or she: (i) gives permission for the student to test their blood glucose and to

administer insulin and glucose or substitute; (ii) certifies that the student agrees to take appropriate safeguards to prevent others in the school from being exposed to sharps or blood; and (iii) certifies, along with a clinician who regularly treats the student for diabetes, that the student is competent to test their blood glucose and to administer insulin and glucose or substitute.

The department of elementary and secondary education and the department of public health shall jointly promulgate regulations for the emergency administration of glucagon to allow for the administration of glucagon by trained members of the school staff when a nurse is not present and the student exhibits symptoms of severe hypoglycemia; provided, however, that the parent or legal guardian of the student submits in writing their permission for such emergency treatment to be rendered; provided, further, that a member of the school staff who, in good faith, administers glucagon to a student who exhibits symptoms of severe hypoglycemia shall not be held liable, except in cases of gross negligence or intentional misconduct, in a suit for damages as a result of his or her acts or omissions, nor shall such person be subject to any disciplinary action. A trained member of the school staff who is not a nurse and administers glucagon, shall not be considered to be practicing nursing.

SECTION 2. Within 180 days of the passage of this act, the department of elementary and secondary education and the department of public health shall, pursuant to section 54B of chapter 71 of the General Laws, as amended by section 1, jointly promulgate regulations for the emergency administration of glucagon to allow for the administration of glucagon by a member of the school staff when a nurse is not present and the student exhibits symptoms of severe hypoglycemia.