

HOUSE No. 2036

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to emergency stock supply of epinephrine in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/19/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	

HOUSE No. 2036

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 2036) of Denise C. Garlick and others relative to emergency stock supply of epinephrine in schools. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to emergency stock supply of epinephrine in schools.

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 2012
2 Official Edition, is hereby amended by striking the third paragraph and inserting in place thereof
3 the following two paragraphs:—

4 Notwithstanding any general or special law or regulation to the contrary, each school
5 shall maintain a stock supply of non-patient specific epinephrine available to all students,
6 including students with individualized health care plans prescribing epinephrine injections, to be
7 administered in the event of an anaphylactic emergency. The department of public health shall
8 promulgate regulations requiring school districts to adopt and implement policies pursuant to this
9 section. Such regulations shall require that stock epinephrine be stored in an easily accessible
10 unlocked location, the number and type of epinephrine auto-injectors required be based on
11 school population, that the individuals authorized to administer epinephrine meet certain training
12 requirements for such administration, including the use of epinephrine dose calculation devices,
13 and that the stock inventory be checked at regular intervals for expiration and replacement. A

14 school nurse or other authorized individual who provides, administers, or assists in the
15 administration of epinephrine to a student believed in good faith to be having an anaphylactic
16 reaction shall not be liable for any civil damages for negligence in acts or omissions resulting
17 from the rendering of such treatment. Whenever any employee of a school district is covered by
18 the immunity granted herein, the school district employing the individual shall not be liable for
19 any civil damages for negligence in acts or omissions resulting from the rendering of such
20 treatment.

21 Notwithstanding any general or special law to the contrary, the cost of supplying non-
22 patient specific epinephrine to schools pursuant to this section shall be assessed on surcharge
23 payers as defined by section 64 of chapter 118E and may be collected in a manner consistent
24 with said chapter 118. All surcharge revenue generated under this section shall be collected in a
25 manner consistent with said chapter and department of public health regulation.