

HOUSE No. 4130

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 22, 2018.

The committee on Education to whom were referred the petition (accompanied by bill, House, No. 325) of Aaron Vega and others relative to the administration of epi-pens in the public schools and the petition (accompanied by bill, House, No. 2036) of Denise C. Garlick and others relative to emergency stock supply of epinephrine in schools, reports recommending that the accompanying bill (House, No. 4130) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**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 8A of Chapter 69 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting in line 25 after the word "resuscitation":-", the
3 administration of epi-pens,"

4 SECTION 2. Section 54B of chapter 71 of the General Laws is hereby amended by
5 striking the third paragraph and inserting in place thereof the following two paragraphs:—

6 Notwithstanding any general or special law or regulation to the contrary, each school
7 shall, subject to appropriation, maintain a stock supply of non-patient specific epinephrine
8 available to all students, including students with individualized health care plans prescribing
9 epinephrine injections, to be administered in the event of an anaphylactic emergency. The
10 department of public health shall promulgate regulations requiring school districts to adopt and
11 implement policies pursuant to this section. Such regulations shall require that stock epinephrine
12 be stored in an easily accessible unlocked location, the number and type of epinephrine auto-
13 injectors required be based on school population, that the individuals authorized to administer

14 epinephrine meet certain training requirements for such administration, including the use of
15 epinephrine dose calculation devices, and that the stock inventory be checked at regular intervals
16 for expiration and replacement. A school nurse or other authorized individual who provides,
17 administers, or assists in the administration of epinephrine to a student believed in good faith to
18 be having an anaphylactic reaction shall not be liable for any civil damages for negligence in acts
19 or omissions resulting from the rendering of such treatment. Whenever any employee of a school
20 district is covered by the immunity granted herein, the school district employing the individual
21 shall not be liable for any civil damages for negligence in acts or omissions resulting from the
22 rendering of such treatment.

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