

HOUSE No. 604

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

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>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2021</i>

HOUSE No. 604

By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 604) of Kenneth I. Gordon relative to emergency stock supply of epinephrine in schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 463 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 is hereby amended by
2 inserting in line 25 after the word "resuscitation":-", the administration of epi-pens,"

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

5 Notwithstanding any general or special law or regulation to the contrary, each school
6 shall, subject to appropriation, maintain a stock supply of non-patient specific epinephrine
7 available to all students, including students with individualized health care plans prescribing
8 epinephrine injections, to be administered in the event of an anaphylactic emergency. The
9 department of public health shall promulgate regulations requiring school districts to adopt and
10 implement policies pursuant to this section. Such regulations shall require that stock epinephrine

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

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