

2022 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVE HILFERTY

EARLY CHILDHOOD: Authorizes early learning centers to maintain a supply of auto-injectable epinephrine

1 AN ACT

2 To amend and reenact R.S. 17:436.1(K)(1) and to enact R.S. 17:407.50.2, relative to  
3 licensed early learning centers and public elementary and secondary schools; to  
4 provide with respect to anaphylaxis training; to provide with respect to the  
5 administration of medication; to authorize the maintenance of a supply of auto-  
6 injectable epinephrine; to provide for definitions; to provide for effectiveness; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:436.1(K)(1) is hereby amended and reenacted and R.S.  
10 17:407.50.2 is hereby enacted to read as follows:

11 §407.50.2. Administration of auto-injectable epinephrine; definition; conditions;  
12 exceptions

13 A. Notwithstanding any provision of law to the contrary, the head of each  
14 early learning center shall adopt a policy authorizing a trained early learning center  
15 employee to administer auto-injectable epinephrine, as defined in Paragraph (B)(3)  
16 of this Section, to a child who the trained early learning center employee, in good  
17 faith, professionally believes is having an anaphylactic reaction, whether or not such  
18 child has a prescription for epinephrine. At least one employee at each early learning  
19 center shall receive training from a registered nurse, a licensed medical physician,  
20 or an anaphylaxis training organization in the administration of auto-injectable

1        epinephrine. Such training may be considered continuing education and be applied  
2        to the early learning center's annual continuing education requirements. The trained  
3        employee may administer the auto-injectable epinephrine to respond to a child's  
4        anaphylactic reaction under a standing protocol from a physician licensed to practice  
5        medicine in the state.

6                B.(1) Each early learning center may maintain a supply of auto-injectable  
7        epinephrine at the center in a secure and easily accessible location. A healthcare  
8        professional authorized to prescribe medications may prescribe epinephrine auto-  
9        injectors in the name of the early learning center to be maintained for use when  
10       deemed necessary pursuant to the provisions of this Section.

11               (2) Each early learning center shall distribute the policy required by this  
12       Section to all parents or other legal guardians.

13               (3)(a) For the purposes of this Section, "auto-injectable epinephrine" means  
14       a medical device for the immediate self-administration or assisted-administration of  
15       epinephrine by or to a person at risk for anaphylaxis.

16               (b) For the purposes of this Section, an anaphylaxis training organization is  
17       a nationally recognized organization that provides anaphylaxis education or a  
18       training program whose leadership includes a physician authorized to practice  
19       medicine and surgery or osteopathic medicine and surgery and who is board-certified  
20       in allergy and immunology as that designation is issued by a medical specialty  
21       certifying board recognized by the American Board of Medical Specialties or  
22       American Osteopathic Association.

23               C. The following are not liable for damages in a civil action for injury, death,  
24       or loss to person or property that allegedly arises from an act or omission associated  
25       with epinephrine training, unless the act or omission constitutes willful or wanton  
26       misconduct:

27               (1) A licensed early learning center.

28               (2) An employee of a licensed early learning center.

1           (3) A licensed health professional authorized to prescribe drugs who  
2           personally furnishes or prescribes epinephrine auto-injectors to or consults with an  
3           early learning center.

4           (4) An anaphylaxis training organization and its personnel.

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6           §436.1. Administration of medication; definition; conditions; restrictions;  
7   exceptions

8   \*       \*       \*

9           K.(1) Notwithstanding any provision of law or any rule, regulation, or policy  
10           to the contrary, the governing authority of each public elementary and secondary  
11           school shall adopt a policy authorizing a school nurse or trained school employee to  
12           administer auto-injectable epinephrine, as defined in Subparagraph (J)(4)(a) of this  
13           Section, to a student who the school nurse or trained school employee, in good faith,  
14           professionally believes is having an anaphylactic reaction, whether or not such  
15           student has a prescription for epinephrine. At least one employee at each school  
16           shall receive training from an anaphylaxis training organization, a registered nurse,  
17           or a licensed medical physician in the administration of auto-injectable epinephrine.  
18           The school nurse or trained employee may administer the auto-injectable epinephrine  
19           to respond to a student's anaphylactic reaction, under a standing protocol from a  
20           physician licensed to practice medicine in the state. For the purposes of this  
21           Paragraph, an anaphylaxis training organization means a nationally recognized  
22           organization that provides anaphylaxis education or a training program whose  
23           leadership includes a physician authorized to practice medicine and surgery or  
24           osteopathic medicine and surgery and who is board-certified in allergy and  
25           immunology as that designation is issued by a medical specialty certifying board  
26           recognized by the American Board of Medical Specialties or American Osteopathic  
27           Association.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 417 Engrossed

2022 Regular Session

Hilferty

**Abstract:** Authorizes early learning centers to maintain a supply of auto-injectable epinephrine for emergency use.

Proposed law requires early learning centers to adopt a policy authorizing the emergency administration of auto-injectable epinephrine.

Proposed law requires early learning centers to provide all parents with a copy of this policy.

Proposed law further requires that at least one employee at an early learning center receive training from a registered nurse, licensed physician, or anaphylaxis training organization in the administration of auto-injectable epinephrine.

Proposed law authorizes early learning centers to maintain a supply of auto-injectable epinephrine.

Proposed law provides liability protection for licensed early learning centers, employees of licensed early learning centers, licensed medical professionals who prescribe epinephrine auto-injectors to licensed early learning centers, and anaphylaxis training organizations and their personnel.

Present law provides for policies regarding administering auto-injectable epinephrine at public elementary and secondary schools. Requires that at least one employee at each school receive training in administering auto-injectable epinephrine from a registered nurse or licensed physician.

Proposed law retains present law except to provide that such training may be provided by an anaphylaxis training organization.

Proposed law defines anaphylaxis training organization, for purposes of early learning centers and public elementary and secondary schools, as a nationally recognized organization that provides anaphylaxis education or a training program whose leadership includes a physician authorized to practice medicine and surgery or osteopathic medicine and surgery and who is board-certified in allergy and immunology as that designation is issued by a medical specialty certifying board recognized by the American Bd. of Medical Specialties or American Osteopathic Assoc.

(Amends R.S. 17:436.(K)(1); Adds R.S. 17:407.50.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Provide that an anaphylaxis training organization may provide the required training in administering auto-injectable epinephrine to early learning center employees and add a definition of such organizations.
2. Add provision for training by an anaphylaxis training organization to present law regarding public elementary and secondary schools.