

1 SB125
2 155472-1
3 By Senator Whatley
4 RFD: Education
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill would require the State Department
9 of Education to develop, and each local board of
10 education to adopt, an anaphylaxis preparedness
11 program.

12 This bill would provide for implementation
13 of the program by each local board of education
14 commencing with the 2015-2016 scholastic year.

15 This bill would authorize the lead nurse
16 employed by the local board of education to
17 collaborate with a local physician to develop and
18 maintain a protocol for emergency response that
19 includes a supply of premeasured, autoinjectable
20 epinephrine on each public school campus.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in the amendment.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to public K-12 education; to require the
20 State Department of Education to develop, and each local board
21 of education to adopt and implement, an anaphylaxis
22 preparedness program commencing with the 2015-2016 scholastic
23 year; to authorize the lead nurse employed by the local board
24 of education to collaborate with a local physician to develop
25 and maintain a protocol for emergency response that includes a
26 supply of premeasured, autoinjectable epinephrine on each
27 public school campus; and in connection therewith to have as

1 its purpose or effect the requirement of a new or increased
2 expenditure of local funds within the meaning of Amendment 621
3 of the Constitution of Alabama of 1901, now appearing as
4 Section 111.05 of the Official Recompilation of the
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) The State Department of Education
8 shall develop an anaphylaxis preparedness program to be
9 adopted by each local board of education and implemented in
10 each K-12 public school commencing with the 2015-2016
11 scholastic year.

12 (b) The anaphylaxis preparedness program shall
13 incorporate the following three levels of prevention initiated
14 by licensed public school nurses as a part of the health
15 services program:

16 (1) Level I, primary prevention: Education programs
17 that address food allergies and anaphylaxis through both
18 classroom and individual instruction for staff and students.

19 (2) Level II, secondary prevention: Identification
20 and management of chronic illness.

21 (3) Level III, tertiary prevention: The development
22 of a planned response to anaphylaxis-related emergencies in
23 the school setting.

24 (c) The lead nurse employed by the local board of
25 education may collaborate with a local physician to develop
26 and maintain a protocol for emergency response that shall
27 include an adequate supply of premeasured, autoinjectable

1 epinephrine on each public school campus to treat potentially
2 life threatening allergic reactions. Single dose
3 autoinjectable epinephrine may be administered to school
4 children by the school nurse, or unlicensed school personnel
5 in accordance with the State Department of Education and State
6 Board of Nursing approved curriculum for medication
7 administration. Trained school personnel who administer the
8 premeasured dose of autoinjectable epinephrine in an emergency
9 situation, and in compliance with established protocol and
10 medication administration training, shall be protected from
11 liability for so doing.

12 Section 2. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill requires expenditures only by a school board.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.