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AN ACT

RELATING TO PUBLIC HEALTH; REQUIRING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES REGARDING THE USE OF ALBUTEROL TO TREAT RESPIRATORY DISTRESS AND THE USE OF EPINEPHRINE TO TREAT ANAPHYLACTIC REACTIONS IN SCHOOLS; PROVIDING FOR THE STOCK SUPPLY OF ALBUTEROL AND EPINEPHRINE IN SCHOOLS; PROVIDING FOR SCHOOL POLICIES AND RELATED LAWS TO COMPORT WITH FEDERAL GRANT REQUIREMENTS REGARDING EMERGENCY MEDICATION IN SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Emergency Medication in Schools Act"."

SECTION 2. A new section of the Public School Code is enacted to read:

"DEFINITIONS.--As used in the Emergency Medication in Schools Act:

A. "albuterol" includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress;

B. "albuterol aerosol canister" means a portable drug delivery device packaged with multiple premeasured doses of albuterol;

C. "anaphylaxis" or "anaphylactic reaction" means

1 a sudden, severe and potentially life-threatening whole-body  
2 allergic reaction;

3 D. "emergency medication" means albuterol or  
4 epinephrine;

5 E. "epinephrine" includes epinephrine or another  
6 medication, as recommended by the department of health, used  
7 to treat anaphylaxis until the immediate arrival of emergency  
8 medical system responders;

9 F. "epinephrine auto-injector" means a portable,  
10 disposable drug delivery device that contains a premeasured  
11 single dose of epinephrine;

12 G. "governing body" includes a governing body of a  
13 private school;

14 H. "health care practitioner" means a person  
15 authorized by the state to prescribe emergency medication;

16 I. "respiratory distress" includes impaired  
17 oxygenation of the blood or impaired ventilation of the  
18 respiratory system;

19 J. "school" means a public school, charter school  
20 or private school;

21 K. "spacer" means a holding chamber that is used  
22 to optimize the delivery of albuterol to a person's lungs;

23 L. "stock supply" means an appropriate quantity of  
24 emergency medication, as recommended by the department of  
25 health; and

1 M. "trained personnel" means a school employee,  
2 agent or volunteer who has completed epinephrine  
3 administration training documented by the school nurse,  
4 school principal or school leader and approved by the  
5 department of health and who has been designated by the  
6 school principal or school leader to administer epinephrine  
7 on a voluntary basis outside of the scope of employment."

8 SECTION 3. A new section of the Public School Code is  
9 enacted to read:

10 "EMERGENCY MEDICATION--ALBUTEROL--EPINEPHRINE--STOCK  
11 SUPPLY--STORAGE.--

12 A. Each local school board or governing body may  
13 obtain a standing order for and may provide to schools within  
14 its jurisdiction a stock supply of albuterol aerosol  
15 canisters and spacers prescribed in the name of the school or  
16 school district by a health care practitioner employed or  
17 authorized by the department of health. Each school that  
18 receives a stock supply of albuterol aerosol canisters and  
19 spacers pursuant to this subsection shall store them:

20 (1) in a secure location that is unlocked  
21 and readily accessible to a school nurse to administer  
22 albuterol;

23 (2) pursuant to board of pharmacy  
24 regulations; and

25 (3) within the manufacturer-recommended

1 temperature range.

2 B. Each local school board or governing body  
3 may obtain a standing order for and may provide to schools  
4 within its jurisdiction a stock supply of standard-dose and  
5 pediatric-dose epinephrine auto-injectors prescribed in the  
6 name of each school by a health care practitioner employed or  
7 authorized by the department of health. Each school that  
8 receives a stock supply of standard-dose and pediatric-dose  
9 epinephrine auto-injectors pursuant to this subsection shall  
10 store them:

11 (1) in a secure location that is unlocked  
12 and readily accessible to trained personnel;

13 (2) pursuant to board of pharmacy  
14 regulations; and

15 (3) within the manufacturer-recommended  
16 temperature range.

17 C. Each local school board or governing body shall  
18 dispose of expired emergency medication pursuant to board of  
19 pharmacy regulations or department of health rules.

20 D. A local school board or governing body or a  
21 school within its jurisdiction may accept gifts, grants,  
22 bequests and donations from any source to carry out the  
23 provisions of the Emergency Medication in Schools Act,  
24 including the acceptance of albuterol aerosol canisters and  
25 spacers and epinephrine auto-injectors from a manufacturer or

1 wholesaler."

2 SECTION 4. A new section of the Public School Code is  
3 enacted to read:

4 "LOCAL SCHOOL BOARD OR GOVERNING BODY--EMERGENCY  
5 MEDICATION--PROTOCOLS AND POLICIES--TRAINING.--

6 A. Each local school board or governing body that  
7 provides to schools within its jurisdiction a stock supply of  
8 albuterol aerosol canisters and spacers shall develop  
9 policies, based on department of health rules and  
10 recommendations, for a school nurse to administer albuterol  
11 to a student who is perceived to be in respiratory distress,  
12 regardless of whether the student has been identified or  
13 documented as having asthma, has a prescription for albuterol  
14 or has supplied the school with albuterol. Such policies  
15 shall include procedures to:

16 (1) recognize the symptoms of respiratory  
17 distress;

18 (2) administer albuterol using a spacer;

19  
20 (3) call 911 to initiate an emergency  
21 medical system;

22 (4) continue to monitor the student's  
23 condition and deliver any additional treatment indicated  
24 until an emergency medical system responder arrives;

25 (5) notify the parent, guardian or legal

1       custodian of the student having respiratory distress; and

2                       (6) take any other necessary actions based  
3 on training completed pursuant to the Emergency Medication in  
4 Schools Act.

5               B. Each local school board or governing body that  
6 provides to schools within its jurisdiction a stock supply of  
7 standard-dose and pediatric-dose epinephrine auto-injectors  
8 shall develop policies based on the protocols in this section  
9 and department of health rules and recommendations, publish  
10 the policies on its web site and receive documentation that  
11 trained personnel have received training to:

12                       (1) administer epinephrine to a student who  
13 is reasonably believed to be having an anaphylactic reaction,  
14 regardless of whether the student has been identified or  
15 documented as having a severe allergy, has a prescription for  
16 epinephrine or has supplied the school with epinephrine  
17 auto-injectors; and

18                       (2) follow an anaphylaxis action protocol  
19 to:

20                               (a) recognize symptoms of anaphylaxis;

21                               (b) administer an epinephrine  
22 auto-injector to a student reasonably believed to be having  
23 an anaphylactic reaction;

24                               (c) call 911 to initiate an emergency  
25 medical system;

1 (d) continue to monitor the student's  
2 condition and deliver any additional treatment indicated  
3 until an emergency medical system responder arrives;

4 (e) notify the parent, guardian or  
5 legal custodian of the student having an anaphylactic  
6 reaction; and

7 (f) take any other necessary actions  
8 based on training completed pursuant to the Emergency  
9 Medication in Schools Act.

10 C. Each school that receives a stock supply of  
11 standard-dose and pediatric-dose epinephrine auto-injectors  
12 shall:

13 (1) develop and implement a plan to have one  
14 or more trained personnel on the school premises during  
15 operating hours; and

16 (2) follow an anaphylactic reaction  
17 prevention protocol, as recommended by the department of  
18 health, to minimize an allergic student's exposure to food  
19 allergies."

20 SECTION 5. A new section of the Public Health Act is  
21 enacted to read:

22 "EMERGENCY MEDICATION IN SCHOOLS--ALBUTEROL--  
23 EPINEPHRINE--RULES--RECOMMENDATIONS.--

24 A. By July 1, 2014, the department shall  
25 promulgate rules and make recommendations to each school

1 district and governing body of a school for the prevention  
2 and treatment of respiratory distress and the administration  
3 of albuterol, or such other medication as the department  
4 deems appropriate, by a school nurse.

5 B. By July 1, 2014, the department shall  
6 promulgate rules and make recommendations to each school  
7 district and governing body of a school for the prevention  
8 and treatment of anaphylaxis occurring in schools and for the  
9 use of epinephrine, or such other medication as the  
10 department deems appropriate, by a person who has received  
11 training approved by the department and is authorized to  
12 administer epinephrine pursuant to the Emergency Medication  
13 in Schools Act. The rules shall address:

14 (1) the provision or administration of  
15 epinephrine, or such other medication as the department deems  
16 appropriate, to a person reasonably believed to be having an  
17 anaphylactic reaction;

18 (2) the requirement that one or more trained  
19 persons be available on school premises during operating  
20 hours to treat a person reasonably believed to be having an  
21 anaphylactic reaction;

22 (3) the maintenance of a stock supply of  
23 standard-dose and pediatric-dose epinephrine auto-injectors,  
24 or such other medication as the department deems appropriate,  
25 pursuant to a standing order prescribed in the name of the



1 school or school district by a health care practitioner  
2 employed or authorized by the department;

3 (4) the storage of a stock supply of  
4 standard-dose and pediatric-dose epinephrine auto-injectors,  
5 or such other medication as the department deems appropriate,  
6 in a secure location that is unlocked and readily accessible  
7 to trained persons and stored pursuant to board of pharmacy  
8 regulations; and

9 (5) the disposal of expired emergency  
10 medication pursuant to board of pharmacy regulations or  
11 department rules.

12 C. A health care practitioner employed or  
13 authorized by the department may prescribe a stock supply of  
14 albuterol aerosol canisters and spacers or a stock supply of  
15 standard-dose and pediatric-dose epinephrine auto-injectors  
16 in the name of a school or school district for use in  
17 accordance with the Emergency Medication in Schools Act.

18 D. A pharmacist may dispense a stock supply of  
19 albuterol aerosol canisters and spacers or a stock supply of  
20 standard-dose and pediatric-dose epinephrine auto-injectors  
21 pursuant to a standing order prescribed in accordance with  
22 this section.

23 E. A school or school district may maintain a  
24 stock supply of albuterol aerosol canisters and spacers or a  
25 stock supply of standard-dose and pediatric-dose epinephrine

1 auto-injectors for use in accordance with this section.

2 F. The department may obtain and receive grants,  
3 appropriations, gifts and donations from any source, including  
4 the acceptance of epinephrine and albuterol, or such other  
5 medication as the department deems appropriate, and albuterol  
6 spacers from a manufacturer or wholesaler of such medication  
7 in accordance with this section." \_\_\_\_\_

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