

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 75 AND SENATE BILL 165

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

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:

"[NEW MATERIAL] 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:

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underscored material = new
[bracketed material] = delete

1 "[NEW MATERIAL] DEFINITIONS.--As used in the Emergency
2 Medication in Schools Act:

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

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

9 C. "anaphylaxis" or "anaphylactic reaction" means a
10 sudden, severe and potentially life-threatening whole-body
11 allergic reaction;

12 D. "emergency medication" means albuterol or
13 epinephrine;

14 E. "epinephrine" includes epinephrine or another
15 medication, as recommended by the department of health, used to
16 treat anaphylaxis until the immediate arrival of emergency
17 medical system responders;

18 F. "epinephrine auto-injector" means a portable,
19 disposable drug delivery device that contains a premeasured
20 single dose of epinephrine;

21 G. "governing body" includes a governing body of a
22 private school;

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

25 I. "respiratory distress" includes impaired

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1 oxygenation of the blood or impaired ventilation of the
2 respiratory system;

3 J. "school" means a public school, charter school
4 or private school;

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

7 L. "stock supply" means an appropriate quantity of
8 emergency medication, as recommended by the department of
9 health; and

10 M. "trained personnel" means a school employee,
11 agent or volunteer who has completed epinephrine administration
12 training documented by the school nurse, school principal or
13 school leader and approved by the department of health and who
14 has been designated by the school principal or school leader to
15 administer epinephrine on a voluntary basis outside of the
16 scope of employment."

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

19 "[NEW MATERIAL] EMERGENCY MEDICATION--ALBUTEROL--
20 EPINEPHRINE--STOCK SUPPLY--STORAGE.--

21 A. Each local school board or governing body may
22 obtain a standing order for and may provide to schools within
23 its jurisdiction a stock supply of albuterol aerosol canisters
24 and spacers prescribed in the name of the school or school
25 district by a health care practitioner employed or authorized

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1 by the department of health. Each school that receives a stock
2 supply of albuterol aerosol canisters and spacers pursuant to
3 this subsection shall store them:

4 (1) in a secure location that is unlocked and
5 readily accessible to a school nurse to administer albuterol;

6 (2) pursuant to board of pharmacy regulations;
7 and

8 (3) within the manufacturer-recommended
9 temperature range.

10 B. Each local school board or governing body
11 may obtain a standing order for and may provide to schools
12 within its jurisdiction a stock supply of standard-dose and
13 pediatric-dose epinephrine auto-injectors prescribed in the
14 name of each school by a health care practitioner employed or
15 authorized by the department of health. Each school that
16 receives a stock supply of standard-dose and pediatric-dose
17 epinephrine auto-injectors pursuant to this subsection shall
18 store them:

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

21 (2) pursuant to board of pharmacy regulations;
22 and

23 (3) within the manufacturer-recommended
24 temperature range.

25 C. Each local school board or governing body shall

1 dispose of expired emergency medication pursuant to board of
2 pharmacy regulations or department of health rules.

3 D. A local school board or governing body or a
4 school within its jurisdiction may accept gifts, grants,
5 bequests and donations from any source to carry out the
6 provisions of the Emergency Medication in Schools Act,
7 including the acceptance of albuterol aerosol canisters and
8 spacers and epinephrine auto-injectors from a manufacturer or
9 wholesaler."

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

12 "[NEW MATERIAL] LOCAL SCHOOL BOARD OR GOVERNING BODY--
13 EMERGENCY MEDICATION--PROTOCOLS AND POLICIES--TRAINING.--

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

23 (1) recognize the symptoms of respiratory
24 distress;

25 (2) administer albuterol using a spacer;

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1 (3) call 911 to initiate an emergency medical
2 system;

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

6 (5) notify the parent, guardian or legal
7 custodian of the student having respiratory distress; and

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

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

18 (1) administer epinephrine to a student who is
19 reasonably believed to be having an anaphylactic reaction,
20 regardless of whether the student has been identified or
21 documented as having a severe allergy, has a prescription for
22 epinephrine or has supplied the school with epinephrine auto-
23 injectors; and

24 (2) follow an anaphylaxis action protocol to:

25 (a) recognize symptoms of anaphylaxis;

- 1 (b) administer an epinephrine auto-
2 injector to a student reasonably believed to be having an
3 anaphylactic reaction;
- 4 (c) call 911 to initiate an emergency
5 medical system;
- 6 (d) continue to monitor the student's
7 condition and deliver any additional treatment indicated until
8 an emergency medical system responder arrives;
- 9 (e) notify the parent, guardian or legal
10 custodian of the student having an anaphylactic reaction; and
- 11 (f) take any other necessary actions
12 based on training completed pursuant to the Emergency
13 Medication in Schools Act.

14 C. Each school that receives a stock supply of
15 standard-dose and pediatric-dose epinephrine auto-injectors
16 shall:

- 17 (1) develop and implement a plan to have one
18 or more trained personnel on the school premises during
19 operating hours; and
- 20 (2) follow an anaphylactic reaction prevention
21 protocol, as recommended by the department of health, to
22 minimize an allergic student's exposure to food allergies."

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

25 "[NEW MATERIAL] EMERGENCY MEDICATION IN SCHOOLS--

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1 ALBUTEROL--EPINEPHRINE--RULES--RECOMMENDATIONS.--

2 A. By July 1, 2014, the department shall promulgate
3 rules and make recommendations to each school district and
4 governing body of a school for the prevention and treatment of
5 respiratory distress and the administration of albuterol, or
6 such other medication as the department deems appropriate, by a
7 school nurse.

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

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

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

25 (3) the maintenance of a stock supply of

1 standard-dose and pediatric-dose epinephrine auto-injectors, or
2 such other medication as the department deems appropriate,
3 pursuant to a standing order prescribed in the name of the
4 school or school district by a health care practitioner
5 employed or authorized by the department;

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

12 (5) the disposal of expired emergency
13 medication pursuant to board of pharmacy regulations or
14 department rules.

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

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

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