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SENATE BILL 165

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

INTRODUCED BY

Cisco McSorley

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

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 REGARDING THE USE OF EPINEPHRINE 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:

"[NEW MATERIAL] DEFINITIONS.--As used in the Emergency

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1 Medication in Schools Act:

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

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

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

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

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

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

20 G. "health care practitioner" means a person
21 authorized by the state to prescribe emergency medication;

22 H. "respiratory distress" includes impaired
23 oxygenation of the blood or impaired ventilation of the
24 respiratory system;

25 I. "spacer" means a holding chamber that is used to

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1 optimize the delivery of albuterol to a person's lungs;

2 J. "stock supply" means an appropriate quantity of
3 emergency medication, as recommended by the department of
4 health; and

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

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

14 "[NEW MATERIAL] EMERGENCY MEDICATION--ALBUTEROL--
15 EPINEPHRINE--STOCK SUPPLY--STORAGE.--

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

25 (1) in a secure location that is unlocked and

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1 readily accessible to a school nurse or another person
2 authorized by the department of health to administer albuterol;

3 (2) pursuant to board of pharmacy regulations;
4 and

5 (3) within the manufacturer-recommended
6 temperature range.

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

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

18 (2) pursuant to board of pharmacy regulations;
19 and

20 (3) within the manufacturer-recommended
21 temperature range.

22 C. Each local school board or governing body of a
23 charter school shall dispose of expired emergency medication
24 pursuant to board of pharmacy regulations or department of
25 health rules.

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

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

10 "[NEW MATERIAL] LOCAL SCHOOL BOARD OR GOVERNING BODY OF A
11 CHARTER SCHOOL--EMERGENCY MEDICATION--PROTOCOLS AND POLICIES--
12 TRAINING.--

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

- 24 (1) recognize the symptoms of respiratory
25 distress;

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

3 (3) administer albuterol using a spacer;

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

6 (5) continue to monitor the student's
7 condition and deliver any additional treatment indicated until
8 an emergency medical system responder arrives.

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

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

23 (2) follow an anaphylaxis action protocol to:

24 (a) recognize symptoms of anaphylaxis;

25 (b) immediately call 911 to initiate an

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1 emergency medical system;

2 (c) administer an epinephrine auto-
3 injector to a student reasonably believed to be having an
4 anaphylactic reaction;

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

7 (e) continue to monitor the student's
8 condition and deliver any additional treatment indicated until
9 an emergency medical system responder arrives; and

10 (f) take any other necessary actions
11 based on training completed pursuant to the Emergency
12 Medication in Schools Act.

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

16 (1) develop and implement a plan to have one
17 or more trained personnel on the school premises during
18 operating hours; and

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

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

24 "[NEW MATERIAL] EMERGENCY MEDICATION IN SCHOOLS--
25 ALBUTEROL--EPINEPHRINE--RULES--RECOMMENDATIONS.--

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

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

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

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

24 (3) the maintenance of a stock supply of
25 standard-dose and pediatric-dose epinephrine auto-injectors, or

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1 such other medication as the department deems appropriate,
2 pursuant to a standing order prescribed in the name of the
3 school or school district by a health care practitioner
4 employed or authorized by the department;

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

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

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

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

25 E. A school or school district may maintain a stock

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1 supply of albuterol aerosol canisters and spacers or a stock
2 supply of standard-dose and pediatric-dose epinephrine auto-
3 injectors for use in accordance with this section.

4 F. The department may obtain and receive grants,
5 appropriations, gifts and donations from any source, including
6 the acceptance of epinephrine and albuterol, or such other
7 medication as the department deems appropriate, and albuterol
8 spacers from a manufacturer or wholesaler of such medication."

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