

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Eagle offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (b) of subsection (2) of section
 7 381.88, Florida Statutes, is amended to read:

8 381.88 Emergency allergy treatment.—

9 (2) As used in this section and s. 381.885, the term:

10 (b) "Authorized entity" means an entity or organization at
 11 or in connection with which allergens capable of causing a
 12 severe allergic reaction may be present. The term includes, but
 13 is not limited to, restaurants, recreation camps, youth sports
 14 leagues, theme parks and resorts, and sports arenas. However, a
 15 school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b) is
 16 an authorized entity for the purposes of s. 381.885(4) and (5)
 17 ~~subsection (5)~~ only.

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18 Section 2. Paragraph (i) of subsection (3) of section
19 1002.20, Florida Statutes, is amended to read:

20 1002.20 K-12 student and parent rights.—Parents of public
21 school students must receive accurate and timely information
22 regarding their child's academic progress and must be informed
23 of ways they can help their child to succeed in school. K-12
24 students and their parents are afforded numerous statutory
25 rights including, but not limited to, the following:

26 (3) HEALTH ISSUES.—

27 (i) *Epinephrine use and supply.*—

28 1. A student who has experienced or is at risk for life-
29 threatening allergic reactions may carry an epinephrine auto-
30 injector and self-administer epinephrine by auto-injector while
31 in school, participating in school-sponsored activities, or in
32 transit to or from school or school-sponsored activities if the
33 school has been provided with parental and physician
34 authorization. The State Board of Education, in cooperation with
35 the Department of Health, shall adopt rules for such use of
36 epinephrine auto-injectors that shall include provisions to
37 protect the safety of all students from the misuse or abuse of
38 auto-injectors. A school district, county health department,
39 public-private partner, and their employees and volunteers shall
40 be indemnified by the parent of a student authorized to carry an
41 epinephrine auto-injector for any and all liability with respect
42 to the student's use of an epinephrine auto-injector pursuant to
43 this paragraph.

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44 2. A public school may purchase a supply of epinephrine
45 auto-injectors from a wholesale distributor as defined in s.
46 499.003 or may enter into an arrangement with a wholesale
47 distributor or manufacturer as defined in s. 499.003 for the
48 epinephrine auto-injectors at fair-market, free, or reduced
49 prices for use in the event a student has an anaphylactic
50 reaction. The epinephrine auto-injectors must be maintained and
51 ~~maintain~~ in a ~~locked~~, secure location on the public school's ~~its~~
52 ~~premises a supply of epinephrine auto-injectors for use if a~~
53 ~~student is having an anaphylactic reaction.~~ The participating
54 school district shall adopt a protocol developed by a licensed
55 physician for the administration by school personnel who are
56 trained to recognize an anaphylactic reaction and to administer
57 an epinephrine auto-injection. The supply of epinephrine auto-
58 injectors may be provided to and used by a student authorized to
59 self-administer epinephrine by auto-injector under subparagraph
60 1. or trained school personnel.

61 3. The school district and its employees, ~~and~~ agents, and
62 ~~including~~ the physician who provides the standing protocol for
63 school epinephrine auto-injectors, ~~are~~ not liable for any injury
64 arising from the use of an epinephrine auto-injector
65 administered by trained school personnel who follow the adopted
66 protocol and whose professional opinion is that the student is
67 having an anaphylactic reaction:

68 a. Unless the trained school personnel's action is willful
69 and wanton;

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70 b. Notwithstanding that the parents or guardians of the
71 student to whom the epinephrine is administered have not been
72 provided notice or have not signed a statement acknowledging
73 that the school district is not liable; and

74 c. Regardless of whether authorization has been given by
75 the student's parents or guardians or by the student's
76 physician, physician's assistant, or advanced registered nurse
77 practitioner.

78 Section 3. Subsection (17) of section 1002.42, Florida
79 Statutes, is amended to read:

80 1002.42 Private schools.—

81 (17) EPINEPHRINE SUPPLY.—

82 (a) A private school may purchase a supply of epinephrine
83 auto-injectors from a wholesale distributor as defined in s.
84 499.003 or may enter into an arrangement with a wholesale
85 distributor or manufacturer as defined in s. 499.003 for the
86 epinephrine auto-injectors at fair-market, free, or reduced
87 prices for use in the event a student has an anaphylactic
88 reaction. The epinephrine auto-injectors must be maintained and
89 maintain in a locked, secure location on the private school's
90 its premises a supply of epinephrine auto-injectors for use if a
91 student is having an anaphylactic reaction. The participating
92 private school shall adopt a protocol developed by a licensed
93 physician for the administration by private school personnel who
94 are trained to recognize an anaphylactic reaction and to
95 administer an epinephrine auto-injection. The supply of

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96 epinephrine auto-injectors may be provided to and used by a
97 student authorized to self-administer epinephrine by auto-
98 injector under s. 1002.20(3)(i) or trained school personnel.

99 (b) The private school and its employees, ~~and~~ agents, and
100 ~~including~~ the physician who provides the standing protocol for
101 school epinephrine auto-injectors, ~~7~~ are not liable for any injury
102 arising from the use of an epinephrine auto-injector
103 administered by trained school personnel who follow the adopted
104 protocol and whose professional opinion is that the student is
105 having an anaphylactic reaction:

106 1. Unless the trained school personnel's action is willful
107 and wanton;

108 2. Notwithstanding that the parents or guardians of the
109 student to whom the epinephrine is administered have not been
110 provided notice or have not signed a statement acknowledging
111 that the school district is not liable; and

112 3. Regardless of whether authorization has been given by
113 the student's parents or guardians or by the student's
114 physician, physician's assistant, or advanced registered nurse
115 practitioner.

116 Section 4. This act shall take effect July 1, 2016.

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119 -----
120 **T I T L E A M E N D M E N T**

121 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2016)

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122 An act relating to emergency allergy treatment in schools;
123 amending s. 381.88, F.S.; revising the term "authorized entity";
124 amending ss. 1002.20 and 1002.42, F.S.; authorizing a public
125 school and a private school, respectively, to enter into certain
126 arrangements with wholesale distributors or manufacturers for
127 epinephrine auto-injectors; revising the storage requirements
128 for epinephrine auto-injectors; providing an effective date.