

By Senator Powell

24-01286A-24

20241644__

1 A bill to be entitled
2 An act relating to student health; providing a short
3 title; amending s. 1002.20, F.S.; requiring each
4 district school board to develop and implement a
5 policy for the use of epinephrine auto-injectors;
6 providing requirements for the policy; making
7 technical changes; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. This act may be cited as the "Munoz Student
12 Allergy Framework for Emergencies (SAFE) Act."

13 Section 2. Paragraph (i) of subsection (3) of section
14 1002.20, Florida Statutes, is amended to read:

15 1002.20 K-12 student and parent rights.—Parents of public
16 school students must receive accurate and timely information
17 regarding their child's academic progress and must be informed
18 of ways they can help their child to succeed in school. K-12
19 students and their parents are afforded numerous statutory
20 rights including, but not limited to, the following:

21 (3) HEALTH ISSUES.—

22 (i) *Epinephrine use and supply.*—

23 1.a. A student who has experienced or is at risk for life-
24 threatening allergic reactions may carry an epinephrine auto-
25 injector and self-administer epinephrine by auto-injector while
26 in school, participating in school-sponsored activities, or in
27 transit to or from school or school-sponsored activities if the
28 school has been provided with parental and physician
29 authorization. The State Board of Education, in cooperation with

24-01286A-24

20241644__

30 the Department of Health, shall adopt rules for such use of
31 epinephrine auto-injectors that shall include provisions to
32 protect the safety of all students from the misuse or abuse of
33 auto-injectors.

34 b. Each district school board shall develop and implement a
35 policy, in compliance with the rules adopted by the state board
36 and the department, for the use of epinephrine auto-injectors in
37 emergency situations. The policy must include:

38 (I) Procedures for acquiring emergency epinephrine auto-
39 injectors and authorizing public schools to acquire emergency
40 epinephrine auto-injectors, which must be maintained in a secure
41 location on a public school's premises for emergency use.

42 (II) A protocol developed by a licensed physician to train
43 school nurses and school personnel who volunteer to receive such
44 training to identify a person who is suffering from anaphylaxis
45 and administer an epinephrine auto-injection.

46 (III) A procedure for authorizing public schools to
47 designate school personnel to receive initial and annual
48 training.

49 c. A school district, county health department, public-
50 private partner, and their employees and volunteers shall be
51 indemnified by the parent of a student authorized to carry an
52 epinephrine auto-injector for any and all liability with respect
53 to the student's use of an epinephrine auto-injector pursuant to
54 this paragraph.

55 2. A public school may purchase a supply of epinephrine
56 auto-injectors, in compliance with the policy of its district
57 school board in sub-subparagraph 1.b., from a wholesale
58 distributor as defined in s. 499.003 or may enter into an

24-01286A-24

20241644__

59 arrangement with a wholesale distributor or manufacturer as
60 defined in s. 499.003 for the epinephrine auto-injectors at
61 fair-market, free, or reduced prices for use in the event a
62 student has an anaphylactic reaction. ~~The epinephrine auto-~~
63 ~~injectors must be maintained in a secure location on the public~~
64 ~~school's premises. The participating school district shall adopt~~
65 ~~a protocol developed by a licensed physician for the~~
66 ~~administration by school personnel who are trained to recognize~~
67 ~~an anaphylactic reaction and to administer an epinephrine auto-~~
68 ~~injection.~~ The supply of epinephrine auto-injectors may be
69 provided to and used by a student authorized to self-administer
70 epinephrine by auto-injector under sub-subparagraph 1.a.
71 ~~subparagraph 1.~~ or trained school personnel under sub-
72 subparagraph 1.b.

73 3. The school district and its employees, agents, and the
74 physician who provides the standing protocol for school
75 epinephrine auto-injectors are not liable for any injury arising
76 from the use of an epinephrine auto-injector administered by
77 trained school personnel who follow the adopted protocol and
78 whose professional opinion is that the student is having an
79 anaphylactic reaction:

80 a. Unless the trained school personnel's action is willful
81 and wanton;

82 b. Notwithstanding that the parents or guardians of the
83 student to whom the epinephrine is administered have not been
84 provided notice or have not signed a statement acknowledging
85 that the school district is not liable; and

86 c. Regardless of whether authorization has been given by
87 the student's parents or guardians or by the student's

24-01286A-24

20241644__

88 physician, physician assistant, or advanced practice registered
89 nurse.

90 Section 3. This act shall take effect July 1, 2024.