

113TH CONGRESS  
1ST SESSION

# H. R. 2094

---

IN THE SENATE OF THE UNITED STATES

JULY 31, 2013

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

---

## AN ACT

To amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “School Access to Emer-  
3 gency Epinephrine Act”.

4 **SEC. 2. ADDITIONAL PREFERENCE TO CERTAIN STATES**  
5 **THAT ALLOW TRAINED SCHOOL PERSONNEL**  
6 **TO ADMINISTER EPINEPHRINE.**

7 Section 399L(d) of part P of title III of the Public  
8 Health Service Act (42 U.S.C. 280g(d)) is amended—

9 (1) in paragraph (1), by adding at the end the  
10 following:

11 “(F) SCHOOL PERSONNEL ADMINISTRA-  
12 TION OF EPINEPHRINE.—In determining the  
13 preference (if any) to be given to a State under  
14 this subsection, the Secretary shall give addi-  
15 tional preference to a State that provides to the  
16 Secretary the certification described in subpara-  
17 graph (G) and that requires that each public el-  
18 elementary school and secondary school in the  
19 State—

20 “(i) permits trained personnel of the  
21 school to administer epinephrine to any  
22 student of the school reasonably believed to  
23 be having an anaphylactic reaction;

24 “(ii) maintains a supply of epineph-  
25 rine in a secure location that is easily ac-  
26 cessible to trained personnel of the school

1           for the purpose of administration to any  
2           student of the school reasonably believed to  
3           be having an anaphylactic reaction; and

4           “(iii) has in place a plan for having  
5           on the premises of the school during all op-  
6           erating hours of the school one or more in-  
7           dividuals who are trained personnel of the  
8           school.

9           “(G) CIVIL LIABILITY PROTECTION LAW.—

10          The certification required in subparagraph (F)  
11          shall be a certification made by the State attor-  
12          ney general that the State has reviewed any ap-  
13          plicable civil liability protection law to deter-  
14          mine the application of such law with regard to  
15          elementary and secondary school trained per-  
16          sonnel who may administer epinephrine to a  
17          student reasonably believed to be having an  
18          anaphylactic reaction and has concluded that  
19          such law provides adequate civil liability protec-  
20          tion applicable to such trained personnel. For  
21          purposes of the previous sentence, the term  
22          ‘civil liability protection law’ means a State law  
23          offering legal protection to individuals who give  
24          aid on a voluntary basis in an emergency to an

1 individual who is ill, in peril, or otherwise inca-  
2 pacitated.”; and

3 (2) in paragraph (3), by adding at the end the  
4 following:

5 “(E) The term ‘trained personnel’ means,  
6 with respect to an elementary or secondary  
7 school, an individual—

8 “(i) who has been designated by the  
9 principal (or other appropriate administra-  
10 tive staff) of the school to administer epi-  
11 nephrine on a voluntary basis outside their  
12 scope of employment;

13 “(ii) who has received training in the  
14 administration of epinephrine; and

15 “(iii) whose training in the adminis-  
16 tration of epinephrine meets appropriate  
17 medical standards and has been docu-  
18 mented by appropriate administrative staff  
19 of the school.”.

Passed the House of Representatives July 30, 2013.

Attest:

KAREN L. HAAS,

*Clerk.*