

Union Calendar No. 130

113TH CONGRESS
1ST SESSION

H. R. 2094

[Report No. 113–182]

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).

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2013

Mr. ROE of Tennessee (for himself and Mr. HOYER) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 30, 2013

Additional sponsors: Mr. McCAUL, Mr. THOMPSON of Pennsylvania, Mrs. BLACKBURN, Mr. LATHAM, Ms. MATSUI, Mr. KING of New York, Mr. BURGESS, Mr. DESJARLAIS, Mr. GRIFFITH of Virginia, Mr. CASSIDY, Mr. MCKINLEY, Mr. LOEBSACK, Mr. DOYLE, Mrs. CAPPS, Mr. SESSIONS, Mr. SCALISE, Mr. RYAN of Ohio, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MCNERNEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. WELCH, Mr. JOHNSON of Ohio, Mr. TONKO, Mr. RUSH, Mr. BUTTERFIELD, Mr. BARROW of Georgia, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. WHITFIELD, Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, Mr. BILIRAKIS, Mr. BARLETTA, and Mr. CARTWRIGHT

JULY 30, 2013

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

11 (1) in paragraph (1), by adding at the end the
 12 following:

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

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

1 “(ii) maintains a supply of epineph-
2 rine in a secure location that is easily ac-
3 cessible to trained personnel of the school
4 for the purpose of administration to any
5 student of the school reasonably believed to
6 be having an anaphylactic reaction; and

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

12 “(G) CIVIL LIABILITY PROTECTION LAW.—

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

1 offering legal protection to individuals who give
2 aid on a voluntary basis in an emergency to an
3 individual who is ill, in peril, or otherwise inca-
4 pacitated.”; and

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

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

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

15 “(ii) who has received training in the
16 administration of epinephrine; and

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

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