

Calendar No. 229

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

OCTOBER 30, 2013

Reported by Mr. HARKIN, without amendment

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ADDITIONAL PREFERENCE TO CERTAIN STATES**
2 **THAT ALLOW TRAINED SCHOOL PERSONNEL**
3 **TO ADMINISTER EPINEPHRINE.**

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

6 (1) in paragraph (1), by adding at the end the
7 following:

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

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

21 “(ii) maintains a supply of epineph-
22 rine in a secure location that is easily ac-
23 cessible to trained personnel of the school
24 for the purpose of administration to any
25 student of the school reasonably believed to
26 be having an anaphylactic reaction; and

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

6 “(G) CIVIL LIABILITY PROTECTION LAW.—
7 The certification required in subparagraph (F)
8 shall be a certification made by the State attor-
9 ney general that the State has reviewed any ap-
10 plicable civil liability protection law to deter-
11 mine the application of such law with regard to
12 elementary and secondary school trained per-
13 sonnel who may administer epinephrine to a
14 student reasonably believed to be having an
15 anaphylactic reaction and has concluded that
16 such law provides adequate civil liability protec-
17 tion applicable to such trained personnel. For
18 purposes of the previous sentence, the term
19 ‘civil liability protection law’ means a State law
20 offering legal protection to individuals who give
21 aid on a voluntary basis in an emergency to an
22 individual who is ill, in peril, or otherwise inca-
23 pacitated.”; and
24 (2) in paragraph (3), by adding at the end the
25 following:

1 “(E) The term ‘trained personnel’ means,
2 with respect to an elementary or secondary
3 school, an individual—

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

9 “(ii) who has received training in the
10 administration of epinephrine; and

11 “(iii) whose training in the adminis-
12 tration of epinephrine meets appropriate
13 medical standards and has been docu-
14 mented by appropriate administrative staff
15 of the school.”.

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