S. 1503

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 SENATE OF THE UNITED STATES

SEPTEMBER 12, 2013

Mr. Durbin (for himself, Mr. Kirk, Mr. Bennet, Mr. Cardin, Mr. Warner, Mr. Tester, Mrs. Shaheen, Mr. Baucus, Ms. Landrieu, Mr. Cochran, Mr. Whitehouse, Mr. Rubio, Mr. Johnson of South Dakota, Mr. Blunt, Ms. Cantwell, Ms. Mikulski, Mr. Blumenthal, Mr. Sanders, Mr. Franken, Mrs. Hagan, and Mr. Markey) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “School Access to Emergency Epinephrine Act”.


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

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

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

“(F) SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—In determining the preference (if any) to be given to a State under this subsection, the Secretary shall give additional preference to a State that provides to the Secretary the certification described in subparagraph (G) and that requires that each public elementary school and secondary school in the State—

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

“(ii) maintains a supply of epinephrine in a secure location that is easily accessible to trained personnel of the school for the purpose of administration to any student of the school reasonably believed to be having an anaphylactic reaction; and
“(iii) has in place a plan for having

on the premises of the school during all op-
erating hours of the school one or more in-
dividuals who are trained personnel of the
school.

“(G) CIVIL LIABILITY PROTECTION LAW.—
The certification required in subparagraph (F)
shall be a certification made by the State attor-
ney general that the State has reviewed any ap-
licable civil liability protection law to deter-
mine the application of such law with regard to
elementary and secondary school trained per-
sonnel who may administer epinephrine to a
student reasonably believed to be having an
anaphylactic reaction and has concluded that
such law provides adequate civil liability protec-
tion applicable to such trained personnel. For
purposes of the previous sentence, the term
‘civil liability protection law’ means a State law
offering legal protection to individuals who give
aid on a voluntary basis in an emergency to an
individual who is ill, in peril, or otherwise inca-
pacitated.”; and

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

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

“(i) who has been designated by the principal (or other appropriate administrative staff) of the school to administer epinephrine on a voluntary basis outside their scope of employment;

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

“(iii) whose training in the administration of epinephrine meets appropriate medical standards and has been documented by appropriate administrative staff of the school.”.