

School Access to Emergency Epinephrine Act

[Public Law 113–48]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 113-48. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [42 U.S.C. 201 note] SHORT TITLE.

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 operating hours of the school one or more individuals 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 attorney general that the State has reviewed any applicable civil liability protection law to determine the application of such law with regard to elementary and secondary school trained personnel 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 protection 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 incapacitated.”; 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.”.