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SENATE BILL

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH; REQUIRING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES REGARDING THE USE OF ALBUTEROL TO TREAT RESPIRATORY DISTRESS AND THE USE OF EPINEPHRINE TO TREAT ANAPHYLACTIC REACTIONS IN SCHOOLS; PROVIDING FOR THE STOCK SUPPLY OF ALBUTEROL AND EPINEPHRINE IN SCHOOLS; PROVIDING FOR SCHOOL POLICIES REGARDING THE USE OF EPINEPHRINE IN SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Emergency Medication in Schools Act"."

SECTION 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Emergency

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1 Medication in Schools Act:

2 A. "albuterol" includes albuterol or another  
3 inhaled bronchodilator, as recommended by the department of  
4 health, for the treatment of respiratory distress;

5 B. "albuterol aerosol canister" means a portable  
6 drug delivery device packaged with multiple premeasured doses  
7 of albuterol;

8 C. "anaphylaxis" or "anaphylactic reaction" means a  
9 sudden, severe and potentially life-threatening whole-body  
10 allergic reaction;

11 D. "emergency medication" means albuterol or  
12 epinephrine;

13 E. "epinephrine" includes epinephrine or another  
14 medication, as recommended by the department of health, used to  
15 treat anaphylaxis until the immediate arrival of emergency  
16 medical system responders;

17 F. "epinephrine auto-injector" means a portable,  
18 disposable drug delivery device that contains a premeasured  
19 single dose of epinephrine;

20 G. "health care practitioner" means a person  
21 authorized by the state to prescribe emergency medication;

22 H. "respiratory distress" includes impaired  
23 oxygenation of the blood or impaired ventilation of the  
24 respiratory system;

25 I. "spacer" means a holding chamber that is used to

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1 optimize the delivery of albuterol to a person's lungs;

2 J. "stock supply" means an appropriate quantity of  
3 emergency medication, as recommended by the department of  
4 health; and

5 K. "trained personnel" means a school employee,  
6 agent or volunteer who has completed epinephrine administration  
7 training documented by the school nurse, school principal or  
8 school leader and approved by the department of health and who  
9 has been designated by the school principal or school leader to  
10 administer epinephrine on a voluntary basis outside of the  
11 scope of employment."

12 SECTION 3. A new section of the Public School Code is  
13 enacted to read:

14 "[NEW MATERIAL] EMERGENCY MEDICATION--ALBUTEROL--  
15 EPINEPHRINE--STOCK SUPPLY--STORAGE.--

16 A. Each local school board or governing body of a  
17 charter school may obtain a standing order for and may provide  
18 to schools within its jurisdiction a stock supply of albuterol  
19 aerosol canisters and spacers prescribed in the name of the  
20 school or school district by a health care practitioner  
21 employed or authorized by the department of health. Each  
22 school that receives a stock supply of albuterol aerosol  
23 canisters and spacers pursuant to this subsection shall store  
24 them:

25 (1) in a secure location that is unlocked and

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1 readily accessible to a school nurse or another person  
2 authorized by the department of health to administer albuterol;

3 (2) pursuant to board of pharmacy regulations;  
4 and

5 (3) within the manufacturer-recommended  
6 temperature range.

7 B. Each local school board or governing body of a  
8 charter school may obtain a standing order for and may provide  
9 to schools within its jurisdiction a stock supply of standard-  
10 dose and pediatric-dose epinephrine auto-injectors prescribed  
11 in the name of each school by a health care practitioner  
12 employed or authorized by the department of health. Each  
13 school that receives a stock supply of standard-dose and  
14 pediatric-dose epinephrine auto-injectors pursuant to this  
15 subsection shall store them:

16 (1) in a secure location that is unlocked and  
17 readily accessible to trained personnel;

18 (2) pursuant to board of pharmacy regulations;  
19 and

20 (3) within the manufacturer-recommended  
21 temperature range.

22 C. Each local school board or governing body of a  
23 charter school shall dispose of expired emergency medication  
24 pursuant to board of pharmacy regulations or department of  
25 health rules.

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1           D. A local school board or governing body of a  
2 charter school or a school within its jurisdiction may accept  
3 gifts, grants, bequests and donations from any source to carry  
4 out the provisions of the Emergency Medication in Schools Act,  
5 including the acceptance of albuterol aerosol canisters and  
6 spacers and epinephrine auto-injectors from a manufacturer or  
7 wholesaler."

8           SECTION 4. A new section of the Public School Code is  
9 enacted to read:

10           "[NEW MATERIAL] LOCAL SCHOOL BOARD OR GOVERNING BODY OF A  
11 CHARTER SCHOOL--EMERGENCY MEDICATION--PROTOCOLS AND POLICIES--  
12 TRAINING.--

13           A. Each local school board or governing body of a  
14 charter school that provides to schools within its jurisdiction  
15 a stock supply of albuterol aerosol canisters and spacers shall  
16 develop policies, based on department of health rules and  
17 recommendations, for a school nurse or another person  
18 authorized by the department of health to administer albuterol  
19 to a student who is perceived to be in respiratory distress,  
20 regardless of whether the student has been identified or  
21 documented as having asthma, has a prescription for albuterol  
22 or has supplied the school with albuterol. Such policies shall  
23 include procedures to:

24                   (1) recognize the symptoms of respiratory  
25 distress;

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1 (2) immediately call 911 to initiate an  
2 emergency medical system;

3 (3) administer albuterol using a spacer;

4 (4) notify the parent, guardian or legal  
5 custodian of the student having respiratory distress; and

6 (5) continue to monitor the student's  
7 condition and deliver any additional treatment indicated until  
8 an emergency medical system responder arrives.

9 B. Each local school board or governing body of a  
10 charter school that provides to schools within its jurisdiction  
11 a stock supply of standard-dose and pediatric-dose epinephrine  
12 auto-injectors shall develop policies based on the protocols in  
13 this section and department of health rules and  
14 recommendations, publish the policies on its web site and  
15 receive documentation that trained personnel have received  
16 training to:

17 (1) administer epinephrine to a student who is  
18 reasonably believed to be having an anaphylactic reaction,  
19 regardless of whether the student has been identified or  
20 documented as having a severe allergy, has a prescription for  
21 epinephrine or has supplied the school with epinephrine auto-  
22 injectors; and

23 (2) follow an anaphylaxis action protocol to:

24 (a) recognize symptoms of anaphylaxis;

25 (b) immediately call 911 to initiate an

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1 emergency medical system;

2 (c) administer an epinephrine auto-  
3 injector to a student reasonably believed to be having an  
4 anaphylactic reaction;

5 (d) notify the parent, guardian or legal  
6 custodian of the student having an anaphylactic reaction;

7 (e) continue to monitor the student's  
8 condition and deliver any additional treatment indicated until  
9 an emergency medical system responder arrives; and

10 (f) take any other necessary actions  
11 based on training completed pursuant to the Emergency  
12 Medication in Schools Act.

13 C. Each school that receives a stock supply of  
14 standard-dose and pediatric-dose epinephrine auto-injectors  
15 shall:

16 (1) develop and implement a plan to have one  
17 or more trained personnel on the school premises during  
18 operating hours; and

19 (2) follow an anaphylactic reaction prevention  
20 protocol, as recommended by the department of health, to  
21 minimize an allergic student's exposure to food allergies."

22 SECTION 5. A new section of the Public Health Act is  
23 enacted to read:

24 "[NEW MATERIAL] EMERGENCY MEDICATION IN SCHOOLS--  
25 ALBUTEROL--EPINEPHRINE--RULES--RECOMMENDATIONS.--

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1           A. By July 1, 2014, the department shall promulgate  
2 rules and make recommendations to each school district and  
3 governing body of a school for the prevention and treatment of  
4 respiratory distress and the administration of albuterol, or  
5 such other medication as the department deems appropriate, by a  
6 school nurse or other person authorized by the department.

7           B. By July 1, 2014, the department shall promulgate  
8 rules and make recommendations to each school district and  
9 governing body of a school for the prevention and treatment of  
10 anaphylaxis occurring in schools and for the use of  
11 epinephrine, or such other medication as the department deems  
12 appropriate, by a person who has received training approved by  
13 the department and is authorized to administer epinephrine  
14 pursuant to the Emergency Medication in Schools Act. The rules  
15 shall address:

16                   (1) the provision or administration of  
17 epinephrine, or such other medication as the department deems  
18 appropriate, to a person reasonably believed to be having an  
19 anaphylactic reaction;

20                   (2) the requirement that one or more trained  
21 persons be available on school premises during operating hours  
22 to treat a person reasonably believed to be having an  
23 anaphylactic reaction;

24                   (3) the maintenance of a stock supply of  
25 standard-dose and pediatric-dose epinephrine auto-injectors, or

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1 such other medication as the department deems appropriate,  
2 pursuant to a standing order prescribed in the name of the  
3 school or school district by a health care practitioner  
4 employed or authorized by the department;

5 (4) the storage of a stock supply of standard-  
6 dose and pediatric-dose epinephrine auto-injectors, or such  
7 other medication as the department deems appropriate, in a  
8 secure location that is unlocked and readily accessible to  
9 trained persons and stored pursuant to board of pharmacy  
10 regulations; and

11 (5) the disposal of expired emergency  
12 medication pursuant to board of pharmacy regulations or  
13 department rules.

14 C. A health care practitioner employed or  
15 authorized by the department may prescribe a stock supply of  
16 albuterol aerosol canisters and spacers or a stock supply of  
17 standard-dose and pediatric-dose epinephrine auto-injectors in  
18 the name of a school or school district for use in accordance  
19 with the Emergency Medication in Schools Act.

20 D. A pharmacist may dispense a stock supply of  
21 albuterol aerosol canisters and spacers or a stock supply of  
22 standard-dose and pediatric-dose epinephrine auto-injectors  
23 pursuant to a standing order prescribed pursuant to this  
24 section.

25 E. A school or school district may maintain a stock

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1 supply of albuterol aerosol canisters and spacers or a stock  
2 supply of standard-dose and pediatric-dose epinephrine auto-  
3 injectors for use in accordance with this section.

4 F. The department may obtain and receive grants,  
5 appropriations, gifts and donations from any source, including  
6 the acceptance of epinephrine and albuterol, or such other  
7 medication as the department deems appropriate, and albuterol  
8 spacers from a manufacturer or wholesaler of such medication."

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