



Rep. Michelle Mussman

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09800HB5892ham001

LRB098 18523 OMW 57090 a

1 AMENDMENT TO HOUSE BILL 5892

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5892 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration and self-carry of asthma  
8 medication and epinephrine auto-injectors; administration of  
9 undesignated epinephrine auto-injectors ~~school nurse~~  
10 ~~administration.~~

11 (a) For the purpose of this Section only, the following  
12 terms shall have the meanings set forth below ~~In this Section:~~

13 "Asthma inhaler" means a quick reliever asthma inhaler.

14 "Epinephrine auto-injector" means a single-use device used  
15 for the automatic injection of a pre-measured dose of  
16 epinephrine into the human body ~~medical device for immediate~~

1 ~~self-administration by a person at risk of anaphylaxis.~~

2 "Asthma medication Medication" means a medicine,  
3 prescribed by (i) a physician licensed to practice medicine in  
4 all its branches, (ii) a physician assistant who has been  
5 delegated the authority to prescribe asthma medications by his  
6 or her supervising physician, or (iii) an advanced practice  
7 ~~registered~~ nurse who has a written collaborative agreement with  
8 a collaborating physician that delegates the authority to  
9 prescribe asthma medications, for a pupil that pertains to the  
10 pupil's asthma and that has an individual prescription label.

11 "School nurse" means a registered nurse working in a school  
12 with or without licensure endorsed in school nursing.

13 "Self-administration" means a pupil's discretionary use of  
14 ~~and ability to carry~~ his or her prescribed asthma medication or  
15 epinephrine auto-injector.

16 "Self-carry" means a pupil's ability to carry his or her  
17 prescribed asthma medication or epinephrine auto-injector.

18 "Trained personnel" means any school employee or volunteer  
19 personnel authorized in Sections 10-22.34, 10-22.34a, and  
20 10-22.34b of this Code who has completed training under  
21 subsection (g) of this Section to recognize and respond to  
22 anaphylaxis.

23 "Undesignated epinephrine auto-injector" means an  
24 epinephrine auto-injector prescribed in the name of a school  
25 district, public school, or nonpublic school.

26 (b) A school, whether public or nonpublic, must permit the

1 self-administration and self-carry of asthma medication by a  
2 pupil with asthma or the self-administration and self-carry use  
3 of an epinephrine auto-injector by a pupil, provided that:

4 (1) the parents or guardians of the pupil provide to  
5 the school (i) written authorization from the parents or  
6 guardians for (A) the self-administration and self-carry  
7 of asthma medication or (B) the self-carry of asthma  
8 medication or (ii) for (A) the self-administration and  
9 self-carry of an epinephrine auto-injector or (B) the  
10 self-carry use of an epinephrine auto-injector, written  
11 authorization from the pupil's physician, physician  
12 assistant, or advanced practice ~~registered~~ nurse; and

13 (2) the parents or guardians of the pupil provide to  
14 the school (i) the prescription label, which must contain  
15 the name of the asthma medication, the prescribed dosage,  
16 and the time at which or circumstances under which the  
17 asthma medication is to be administered, or (ii) for the  
18 self-administration or self-carry use of an epinephrine  
19 auto-injector, a written statement from the pupil's  
20 physician, physician assistant, or advanced practice  
21 ~~registered~~ nurse containing the following information:

22 (A) the name and purpose of the epinephrine  
23 auto-injector;

24 (B) the prescribed dosage; and

25 (C) the time or times at which or the special  
26 circumstances under which the epinephrine

1 auto-injector is to be administered.

2 The information provided shall be kept on file in the office of  
3 the school nurse or, in the absence of a school nurse, the  
4 school's administrator.

5 (b-5) A school district, public school, or nonpublic school  
6 may authorize the provision of an epinephrine auto-injector to  
7 a student or any personnel authorized under a student's  
8 Individual Health Care Action Plan, Illinois Food Allergy  
9 Emergency Action Plan and Treatment Authorization Form, or plan  
10 pursuant to Section 504 of the federal Rehabilitation Act of  
11 1973 to administer an epinephrine auto-injector to the student,  
12 that meets the student's prescription on file.

13 (b-10) The school district, public school, or nonpublic  
14 school may authorize a school nurse or trained personnel to do  
15 the following: (i) provide an undesigned epinephrine  
16 auto-injector to a student for self-administration only or any  
17 personnel authorized under a student's Individual Health Care  
18 Action Plan, Illinois Food Allergy Emergency Action Plan and  
19 Treatment Authorization Form, or plan pursuant to Section 504  
20 of the federal Rehabilitation Act of 1973 to administer ~~an~~  
21 ~~epinephrine auto-injector~~ to the student, that meets the  
22 student's prescription on file; (ii) administer an  
23 undesigned epinephrine auto-injector that meets the  
24 prescription on file to any student who has an Individual  
25 Health Care Action Plan, Illinois Food Allergy Emergency Action  
26 Plan and Treatment Authorization Form, or plan pursuant to

1 Section 504 of the federal Rehabilitation Act of 1973 that  
2 authorizes the use of an epinephrine ~~Epinephrine~~  
3 auto-injector; and (iii) administer an undesigned  
4 epinephrine auto-injector to any person ~~student~~ that the school  
5 nurse or trained personnel in good faith ~~professionally~~  
6 believes is having an anaphylactic reaction.

7 (c) The school district, public school, or nonpublic school  
8 must inform the parents or guardians of the pupil, in writing,  
9 that the school district, public school, or nonpublic school  
10 and its employees and agents, including a physician providing  
11 standing protocol or prescription for school epinephrine  
12 auto-injectors, are to incur no liability or professional  
13 discipline, except for willful and wanton conduct, as a result  
14 of any injury arising from the self-administration of asthma  
15 medication or the self-administration ~~use~~ of an epinephrine  
16 auto-injector regardless of whether authorization was given by  
17 the pupil's parents or guardians or by the pupil's physician,  
18 physician ~~physician's~~ assistant, or advanced practice  
19 ~~registered~~ nurse. The parents or guardians of the pupil must  
20 sign a statement acknowledging that the school district, public  
21 school, or nonpublic school and its employees and agents are to  
22 incur no liability, except for willful and wanton conduct, as a  
23 result of any injury arising from the self-administration of  
24 asthma medication or the self-administration ~~use~~ of an  
25 epinephrine auto-injector regardless of whether authorization  
26 was given by the pupil's parents or guardians or by the pupil's

1 physician, physician ~~physician's~~ assistant, or advanced  
2 practice ~~registered~~ nurse and that the parents or guardians  
3 must indemnify and hold harmless the school district, public  
4 school, or nonpublic school and its employees and agents  
5 against any claims, except a claim based on willful and wanton  
6 conduct, arising out of the self-administration of asthma  
7 medication or the self-administration ~~use~~ of an epinephrine  
8 auto-injector regardless of whether authorization was given by  
9 the pupil's parents or guardians or by the pupil's physician,  
10 physician ~~physician's~~ assistant, or advanced practice  
11 ~~registered~~ nurse.

12 (c-5) Upon the effective date of this amendatory Act of the  
13 98th General Assembly, when ~~When~~ a school nurse or trained  
14 personnel administers an undesignated epinephrine  
15 auto-injector to a person ~~student~~ whom the school nurse or  
16 trained personnel in good faith ~~professionally~~ believes is  
17 having an anaphylactic reaction, notwithstanding the lack of  
18 notice to the parents or guardians of the pupil or the absence  
19 of the parents or guardians signed statement acknowledging no  
20 liability, except for willful and wanton conduct, the school  
21 district, public school, or nonpublic school and its employees  
22 and agents, and ~~including~~ a physician, a physician assistant,  
23 or an advanced practice nurse providing standing protocol or  
24 prescription for undesignated ~~school~~ epinephrine  
25 auto-injectors, are to incur no liability or professional  
26 discipline, except for willful and wanton conduct, as a result

1 of any injury arising from the use of an undesigned  
2 epinephrine auto-injector regardless of whether authorization  
3 was given by the pupil's parents or guardians or by the pupil's  
4 physician, physician ~~physician's~~ assistant, or advanced  
5 practice ~~registered~~ nurse.

6 (d) The permission for self-administration and self-carry  
7 of asthma medication or the self-administration and self-carry  
8 ~~use~~ of an epinephrine auto-injector is effective for the school  
9 year for which it is granted and shall be renewed each  
10 subsequent school year upon fulfillment of the requirements of  
11 this Section.

12 (e) Provided that the requirements of this Section are  
13 fulfilled, a pupil with asthma may self-administer and  
14 self-carry ~~possess and use~~ his or her asthma medication or a  
15 pupil may self-administer and self-carry ~~possess and use~~ an  
16 epinephrine auto-injector (i) while in school, (ii) while at a  
17 school-sponsored activity, (iii) while under the supervision  
18 of school personnel, or (iv) before or after normal school  
19 activities, such as while in before-school or after-school care  
20 on school-operated property.

21 (e-5) Provided that the requirements of this Section are  
22 fulfilled, a school nurse or trained personnel may administer  
23 an undesigned epinephrine auto-injector to any person whom  
24 the school nurse or trained personnel in good faith believes to  
25 be having an anaphylactic reaction (i) while in school, (ii)  
26 while at a school-sponsored activity, (iii) while under the

1 supervision of school personnel, or (iv) before or after normal  
2 school activities, such as while in before-school or  
3 after-school care on school-operated property. A school nurse  
4 or trained personnel may carry undesignated epinephrine  
5 auto-injectors on his or her person while in school or at a  
6 school-sponsored activity.

7 (f) The school district, public school, or nonpublic school  
8 may maintain ~~at a school in a locked, secure location~~ a supply  
9 of undesignated epinephrine auto-injectors in any secure  
10 location where an allergic person is most at risk, including,  
11 but not limited to, classrooms and lunchrooms. A physician, a  
12 physician assistant who has been delegated prescriptive  
13 authority in accordance with Section 7.5 of the Physician  
14 Assistant Act of 1987, or an advanced practice registered nurse  
15 who has been delegated prescriptive authority in accordance  
16 with Section 65-40 of the Nurse Practice Act may prescribe  
17 undesignated epinephrine auto-injectors in the name of the  
18 school district, public school, or nonpublic school to be  
19 maintained for use when necessary. Any supply of epinephrine  
20 auto-injectors shall be maintained in accordance with the  
21 manufacturer's instructions. ~~The school district or nonpublic~~  
22 ~~school supply of epinephrine auto-injectors may be provided to~~  
23 ~~and utilized by any student authorized to self-administer that~~  
24 ~~meets the prescription on file or by any personnel authorized~~  
25 ~~under a student's Individual Health Care Action Plan, Illinois~~  
26 ~~Food Allergy Emergency Action Plan and Treatment Authorization~~



1 ~~Form, or plan pursuant to Section 504 of the federal~~  
2 ~~Rehabilitation Act of 1973 to administer an epinephrine~~  
3 ~~auto-injector to the student, that meets the prescription on~~  
4 ~~file. When a student does not have an epinephrine auto-injector~~  
5 ~~or a prescription for an epinephrine auto-injector on file, the~~  
6 ~~school nurse may utilize the school district or nonpublic~~  
7 ~~school supply of epinephrine auto-injectors to respond to~~  
8 ~~anaphylactic reaction, under a standing protocol from a~~  
9 ~~physician licensed to practice medicine in all its branches and~~  
10 ~~the requirements of this Section.~~

11 (f-5) Upon any administration of an epinephrine  
12 auto-injector, a school district, public school, or nonpublic  
13 school must immediately activate the EMS system and notify the  
14 student's parent, guardian, or emergency contact, if known.

15 (f-10) Within 24 hours of the administration of an  
16 undesigned epinephrine auto-injector, a school district,  
17 public school, or nonpublic school must notify the physician,  
18 physician assistant, or advance practice nurse who provided the  
19 standing order or prescription for the undesigned  
20 epinephrine auto-injector of its use.

21 (g) Prior to the administration of an undesigned  
22 epinephrine auto-injector, trained personnel must submit to  
23 his or her school's administration proof of completion of a  
24 training curriculum to recognize and respond to anaphylaxis  
25 that meets the requirements of subsection (h) of this Section.  
26 Training must be completed annually. Trained personnel must

1 also submit to his or her school's administration proof of  
2 cardiopulmonary resuscitation and automated external  
3 defibrillator certification.

4 (h) A training curriculum to recognize and respond to  
5 anaphylaxis, including the administration of an undesignated  
6 epinephrine auto-injector, may be conducted online or in  
7 person. It must include, but is not limited to:

8 (1) how to recognize symptoms of an allergic reaction;

9 (2) a review of high-risk areas;

10 (3) steps to take to prevent exposure to allergens;

11 (4) how to respond to an emergency involving an  
12 allergic reaction;

13 (5) how to administer an epinephrine auto-injector;

14 (6) how to respond to a student with a known allergy as  
15 well as a student with a previously unknown allergy;

16 (7) a test demonstrating competency of the knowledge  
17 required to recognize anaphylaxis and administer an  
18 epinephrine auto-injector; and

19 (8) other criteria as determined in rules adopted  
20 pursuant to this Section.

21 In consultation with statewide professional organizations  
22 representing physicians licensed to practice medicine in all of  
23 its branches, registered nurses, and school nurses, the Board  
24 shall make available resource materials consistent with  
25 criteria in this subsection (h) for educating trained personnel  
26 to recognize and respond to anaphylaxis. The Board may take

1 into consideration the curriculum on this subject developed by  
2 other states, as well as any other curricular materials  
3 suggested by medical experts and other groups that work on  
4 life-threatening allergy issues. The Board is not required to  
5 create new resource materials. The Board shall make these  
6 resource materials available on its Internet website.

7 (i) Within 3 days after the administration of an  
8 undesigned epinephrine auto-injector by a school nurse,  
9 trained personnel, or a student at a school or school-sponsored  
10 activity, the school must report to the Board in a form and  
11 manner prescribed by the Board the following information:

12 (1) age and type of person receiving epinephrine  
13 (student, staff, visitor);

14 (2) any previously known diagnosis of a severe allergy;

15 (3) trigger that precipitated allergic episode;

16 (4) location where symptoms developed;

17 (5) number of doses administered;

18 (6) type of person administering epinephrine (school  
19 nurse, trained personnel, student); and

20 (7) any other information required by the Board.

21 (j) By October 1, 2015 and every year thereafter, the Board  
22 shall submit a report to the General Assembly identifying the  
23 frequency and circumstances of epinephrine administration  
24 during the preceding academic year. This report shall be  
25 published on the Board's Internet website on the date the  
26 report is delivered to the General Assembly.

1       (k) The Board may adopt rules necessary to implement this  
2 Section.

3       (l) A school district, public school, or nonpublic school  
4 may not use the administration of medications by volunteers to  
5 reduce the number of school nurses in a school or school  
6 district.

7       (Source: P.A. 96-1460, eff. 8-20-10; 97-361, eff. 8-15-11.)

8       Section 99. Effective date. This Act takes effect August 1,  
9 2014."