

HOUSE BILL 616

F1

8lr2311

By: **Delegates Kullen, Branch, Hecht, Love, Murphy, Pena-Melnyk, Proctor, Ramirez, F. Turner, Vallario, and Weldon**

Introduced and read first time: January 31, 2008

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Children With Anaphylactic Allergies – Reduction of Risk**

3 FOR the purpose of requiring principals of public schools that have children attending
4 the schools who have been identified as having certain allergies to take certain
5 actions to reduce certain risks; making registration of children with certain
6 allergies at public schools contingent on the receipt of certain information;
7 requiring school principals to maintain certain files; requiring the development
8 of certain individual health plans; authorizing public schools to revoke the
9 authority of certain children to self-administer certain medications; granting
10 certain immunity to certain individuals under certain circumstances;
11 authorizing local county boards of education to require parents or guardians to
12 sign certain hold harmless statements; defining certain terms; and generally
13 relating to the reduction of risk to the health of children with anaphylactic
14 allergies in public schools.

15 BY adding to

16 Article – Education

17 Section 7–426.1

18 Annotated Code of Maryland

19 (2006 Replacement Volume and 2007 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **7-426.1.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "ANAPHYLAXIS" MEANS A SEVERE, SYSTEMATIC ALLERGIC
5 REACTION RESULTING IN CIRCULATORY COLLAPSE OR SHOCK THAT MAY BE
6 FATAL.

7 (3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
8 LOCAL BOARD OF EDUCATION, INCLUDING PART-TIME EMPLOYEES,
9 CERTIFICATED AND NONCERTIFICATED SUBSTITUTE TEACHERS EMPLOYED BY
10 THE LOCAL BOARD OF EDUCATION FOR AT LEAST 7 DAYS EACH SCHOOL YEAR,
11 MAINTENANCE WORKERS, AND ADMINISTRATIVE STAFF.

12 (B) THE PRINCIPAL OF A PUBLIC SCHOOL THAT HAS A CHILD
13 ATTENDING THE SCHOOL WHO HAS BEEN IDENTIFIED TO THE SCHOOL AS
14 HAVING AN ANAPHYLACTIC ALLERGY SHALL:

15 (1) DEVELOP STRATEGIES TO REDUCE THE RISK OF EXPOSURE
16 TO ANAPHYLACTIC CAUSATIVE AGENTS IN CLASSROOMS AND COMMON AREAS;

17 (2) DISSEMINATE INFORMATION ON LIFE-THREATENING
18 ALLERGIES TO PARENTS, GUARDIANS, PUPILS, AND EMPLOYEES OF THE
19 SCHOOL, INCLUDING NOTICE WITHIN THE SCHOOL IN A CONSPICUOUS PLACE AT
20 EACH POINT OF ENTRY AND IN THE CAFETERIA STATING THAT A STUDENT IN
21 THE SCHOOL HAS AN ALLERGY TO PEANUTS OR TREE NUTS;

22 (3) DESIGNATE A PEANUT AND TREE NUT FREE TABLE IN THE
23 CAFETERIA; AND

24 (4) IN CONSULTATION WITH APPROPRIATE PROFESSIONAL
25 MEDICAL ORGANIZATIONS, REQUIRE PERIODIC STATE-CERTIFIED TRAINING
26 REGARDING LIFE-THREATENING ALLERGIES FOR EMPLOYEES AND OTHER
27 INDIVIDUALS WHO ARE IN DIRECT CONTACT WITH STUDENTS ON A REGULAR
28 BASIS.

29 (C) (1) REGISTRATION OF A CHILD WITH AN ANAPHYLACTIC ALLERGY
30 AT A PUBLIC SCHOOL IS CONTINGENT ON THE RECEIPT BY THE SCHOOL OF
31 RELEVANT MEDICAL INFORMATION REGARDING THE ALLERGY OF THE CHILD.

1 **(2) A SCHOOL PRINCIPAL SHALL MAINTAIN FOR EACH CHILD**
2 **WITH AN ANAPHYLACTIC ALLERGY A ROUTINELY UPDATED FILE THAT**
3 **CONTAINS:**

4 **(I) CURRENT TREATMENT GUIDELINES;**

5 **(II) COPIES OF ANY PRESCRIPTIONS AND PHYSICIAN OR**
6 **NURSE INSTRUCTIONS; AND**

7 **(III) A CURRENT EMERGENCY CONTACT LIST.**

8 **(3) IT IS THE RESPONSIBILITY OF THE PARENT OR GUARDIAN OF**
9 **THE CHILD TO ENSURE THAT THE INFORMATION IN THE FILE IS CURRENT.**

10 **(D) (1) A SCHOOL PRINCIPAL, IN CONSULTATION WITH THE PARENT**
11 **OR GUARDIAN OF THE CHILD, THE CHILD, THE CHILD'S PHYSICIAN, AND ANY**
12 **HEALTH CARE PROFESSIONAL EMPLOYED BY THE SCHOOL, SHALL DEVELOP AN**
13 **INDIVIDUAL HEALTH PLAN FOR THE CHILD.**

14 **(2) EMPLOYEES OF THE SCHOOL SHALL HAVE ACCESS TO THE**
15 **PLAN AT ALL TIMES AS PROVIDED IN SUBSECTION (E)(4) OF THIS SECTION.**

16 **(E) AN INDIVIDUAL HEALTH PLAN SHALL:**

17 **(1) ESTABLISH PROCEDURES FOR NOTIFYING EMPLOYEES WHO**
18 **ARE IN DIRECT CONTACT WITH THE CHILD ON A REGULAR BASIS ABOUT**
19 **INFORMATION REGARDING THE TYPE OF ALLERGY, MONITORING AND**
20 **AVOIDANCE STRATEGIES, AND APPROPRIATE TREATMENT;**

21 **(2) ESTABLISH A READILY ACCESSIBLE EMERGENCY RESPONSE**
22 **PLAN FOR THE CHILD, INCLUDING:**

23 **(I) EMERGENCY CONTACT INFORMATION;**

24 **(II) SIGNS AND SYMPTOMS OF ANAPHYLAXIS OR ASTHMA;**
25 **AND**

26 **(III) HOW TO RESPOND TO THE SYMPTOMS, INCLUDING**
27 **MEDICATIONS PRESCRIBED AND THEIR DOSAGES;**

28 **(3) INCLUDE PRECISE INSTRUCTIONS REGARDING THE STORAGE**
29 **OF EPINEPHRINE AUTO-INJECTORS;**

1 **(4) ESTABLISH PROCEDURES FOR THE PLACEMENT OF A CHILD'S**
2 **PRESCRIBED ANAPHYLAXIS OR ASTHMA MANAGEMENT DEVICE IN A SECURE BUT**
3 **UNLOCKED LOCATION EASILY ACCESSED BY SCHOOL EMPLOYEES TO ENSURE**
4 **PROMPT ACCESSIBILITY AT SCHOOL, ON A FIELD TRIP, ON A SCHOOL BUS OR**
5 **OTHER SCHOOL COORDINATED TRANSPORTATION, OR AT A SCHOOL ACTIVITY**
6 **OR EVENT; AND**

7 **(5) MEET THE NEEDS OF THE CHILD, INCLUDING PROCEDURES**
8 **FOR SELF-ADMINISTRATION OF MEDICATION BY THE CHILD, IF THE CHILD IS**
9 **DETERMINED TO BE CAPABLE AND RESPONSIBLE OF SELF-ADMINISTRATION BY**
10 **THE PRINCIPAL, PARENT OR GUARDIAN OF THE CHILD, AND PHYSICIAN OF THE**
11 **CHILD.**

12 **(F) A SCHOOL MAY REVOKE THE AUTHORITY OF A CHILD TO**
13 **SELF-ADMINISTER MEDICATION, IF THE CHILD ENDANGERS HIMSELF OR**
14 **HERSELF OR ANOTHER CHILD THROUGH MISUSE OF THE MEDICATION.**

15 **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN**
16 **EMPLOYEE WHO RESPONDS IN GOOD FAITH TO THE ANAPHYLACTIC REACTION**
17 **OF A CHILD IN ACCORDANCE WITH THIS SECTION IS IMMUNE FROM CIVIL**
18 **LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE**
19 **REACTION.**

20 **(H) IF A CHILD HAS AUTHORITY TO SELF-ADMINISTER MEDICATION IN**
21 **ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, A LOCAL COUNTY BOARD**
22 **MAY REQUIRE THE PARENT OR GUARDIAN OF THE CHILD TO SIGN A STATEMENT**
23 **ACKNOWLEDGING THAT :**

24 **(1) THE SCHOOL INCURS NO LIABILITY AS A RESULT OF INJURY**
25 **ARISING FROM ANY SELF-ADMINISTRATION OF MEDICATION BY THE CHILD; AND**

26 **(2) THE PARENT OR GUARDIAN SHALL INDEMNIFY AND HOLD**
27 **HARMLESS AN EMPLOYEE OF THE SCHOOL AGAINST ANY CLAIMS ARISING FROM**
28 **SELF-ADMINISTRATION OF MEDICATION BY THE CHILD.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2008.