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MEMORANDUM

To: House Committee on Education
From: Office of Revisor of Statutes
Date: January 26, 2021
Subject: House Bill 2086

House Bill 2086 would amend current law to allow schools to maintain supplies of epinephrine and albuterol and to administer such medication to individuals in emergency situations. HB 2086 would authorize pharmacists to distribute such emergency medications to schools and would exempt pharmacists and certain other persons from civil liability when acting under the provisions of HB 2086.

Current law in K.S.A. 65-1680, 65-2872b and 72-6283 authorizes schools to maintain epinephrine kits for emergency situations. Schools are prohibited from maintaining these kits unless the school has consulted with a pharmacist and such pharmacist agrees to supervise the maintenance of the epinephrine kit and agrees to develop procedures and control and accountability measures for the school. The State Board of Pharmacy is authorized by statute to adopt rules and regulations in relation to the maintenance of such kits. Current law also exempts certain persons who administer such epinephrine from the practice of healing arts and civil liability if acting in good faith.

Section 1 of HB 2086 amends K.S.A. 65-1680 to authorize pharmacists to distribute stock supplies of emergency medications to schools pursuant to a prescription from a physician or mid-level practitioner in the name of the school. Stock supplies of emergency medications may consist of epinephrine auto-injectors and albuterol inhalers and solution. Additionally, a pharmacist would not be liable for civil damages resulting from the administration of such medication. This section would remove the language that authorizes the State Board of Pharmacy to adopt rules and regulations in relation to maintenance of epinephrine kits.

Section 2 would amend K.S.A. 65-2872b to include persons who administer stock supplies of albuterol in emergency situations in the exemption from the practice of the healing arts. This section also exempts any physician or mid-level practitioner who writes a prescription or provides training to school personnel from civil damages resulting from the administration of emergency medication.

Section 3 would amend K.S.A. 72-6283 to provide new requirements for schools regarding the maintenance and administration of emergency medication. To maintain stock supplies of emergency medication, schools would be required to obtain a prescription from a physician or mid-level practitioner in the name of the school. Such physician or mid-level practitioner would be required to review the school's policies and procedures prior to prescribing such emergency medication.

School nurses or designated school personnel could administer such medication to individuals only in emergency situations and only at school, on school property or at a school-sponsored event. Epinephrine could be administered to any individual who displays the signs and symptoms of an anaphylactic reaction or anaphylaxis. Albuterol could be administered to any individual who displays the signs and symptoms of respiratory distress.

Schools that maintain stock supplies of emergency medication would be required to establish school policies and procedures relating to: (1) Storage of the medication; (2) monitoring of inventory and expiration dates; (3) administration of the medication; and (4) training requirements for designated school personnel.

HB 2086 also allows schools to accept monetary gifts, grants and donations to carry out these provisions including donations of stock supplies of epinephrine or albuterol from manufacturers or wholesalers.