

HB1171\_L.011

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.HB13-1171 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 22-1-119.5, amend  
4 (6) and (8); and add (5.5) as follows:

5 22-1-119.5. Asthma, food allergy, and anaphylaxis health  
6 management - self-administered medication - staff-administered  
7 medication - rules - definitions. (5.5) (a) AS USED IN THIS SUBSECTION  
8 (5.5) AND IN SUBSECTION (6) OF THIS SECTION, UNLESS THE CONTEXT  
9 OTHERWISE REQUIRES:

10 (I) "ADMINISTER" OR "ADMINISTRATION" MEANS TO GIVE A DOSE  
11 OF MEDICINE TO A STUDENT WHO HAS ASTHMA OR A FOOD OR OTHER  
12 ALLERGY OR WHO IS EXPERIENCING ANAPHYLAXIS, INCLUDING THE USE OF  
13 AN EPINEPHRINE AUTO-INJECTOR, AN ASTHMA INHALER, OR ORAL  
14 MEDICATION.

15 (II) "DELEGATED MEDICAL FUNCTION" HAS THE SAME MEANING AS  
16 SET FORTH IN SECTION 12-38-103 (4), C.R.S.

17 (III) "DESIGNATED SCHOOL PERSONNEL" MEANS AN EMPLOYEE OF  
18 A SCHOOL TO WHOM A SCHOOL NURSE HAS DELEGATED A NURSING TASK  
19 OF ADMINISTERING AN EPINEPHRINE AUTO-INJECTOR TO A STUDENT AND  
20 WHO HAS BEEN TRAINED TO PERFORM THAT TASK.

21 (IV) "GOVERNING AUTHORITY OF A SCHOOL" MEANS A SCHOOL  
22 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER  
23 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE  
24 GOVERNING BOARD OF A NONPUBLIC SCHOOL.

25 (V) "PRACTITIONER" MEANS A PERSON AUTHORIZED BY LAW TO  
26 PRESCRIBE A DRUG OR DEVICE, ACTING WITHIN THE SCOPE OF SUCH  
27 AUTHORITY.

28 (VI) "PRESCRIPTION" MEANS ANY ORDER ISSUED IN WRITING,  
29 DATED AND SIGNED BY A PRACTITIONER, AUTHORIZING A SPECIFIC DRUG  
30 OR DEVICE TO BE DISPENSED.

31 (VII) "SCHOOL" MEANS ANY PUBLIC OR NONPUBLIC SCHOOL.

32 (b) IF REQUESTED BY A GOVERNING AUTHORITY OF A SCHOOL, A  
33 PRACTITIONER MAY ACQUIRE A STOCK SUPPLY OF EPINEPHRINE  
34 AUTO-INJECTORS FOR ADMINISTRATION TO STUDENTS EXPERIENCING  
35 ANAPHYLACTIC SHOCK PURSUANT TO A STANDING ORDER OR PROTOCOL  
36 ISSUED BY THAT PRACTITIONER AND MAY STORE THE EPINEPHRINE  
37 AUTO-INJECTORS AT THE SCHOOL. IF REQUESTED BY A GOVERNING



1 AUTHORITY OF A SCHOOL, A PRACTITIONER MAY ISSUE A STANDING ORDER  
2 OR PROTOCOL THAT AUTHORIZES A SCHOOL NURSE TO ADMINISTER AN  
3 EPINEPHRINE AUTO-INJECTOR IN ACCORDANCE WITH THE STANDING ORDER  
4 OR PROTOCOL AS A DELEGATED MEDICAL FUNCTION TO ANY STUDENT  
5 THAT THE SCHOOL NURSE IN GOOD FAITH BELIEVES IS EXPERIENCING  
6 ANAPHYLAXIS, REGARDLESS OF WHETHER THE STUDENT HAS A  
7 PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR. THE PRACTITIONER  
8 MAY ALSO INCLUDE IN THE STANDING ORDER OR PROTOCOL THAT THE  
9 SCHOOL NURSE MAY DELEGATE THE TASK OF ADMINISTRATION OF  
10 EPINEPHRINE AUTO-INJECTORS TO DESIGNATED SCHOOL PERSONNEL AS  
11 LONG AS THE SCHOOL NURSE DELEGATES THE TASK IN ACCORDANCE WITH  
12 THE REQUIREMENTS FOR DELEGATION OF NURSING TASKS CONTAINED IN  
13 SECTION 12-38-132, C.R.S.

14 (c) IF A PRACTITIONER HAS ISSUED A STANDING ORDER OR  
15 PROTOCOL AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (5.5)  
16 AND THE SCHOOL NURSE HAS TRAINED DESIGNATED SCHOOL PERSONNEL  
17 IN ACCORDANCE WITH THE RULES ADOPTED AS PROVIDED IN SUBSECTION  
18 (8) OF THIS SECTION, A SCHOOL WITHIN THE GOVERNING AUTHORITY'S  
19 JURISDICTION IS AUTHORIZED TO STORE THE STOCK SUPPLY OF  
20 EPINEPHRINE AUTO-INJECTORS, AND THE SCHOOL NURSE AND DESIGNATED  
21 SCHOOL PERSONNEL FOR THAT SCHOOL ARE AUTHORIZED TO ADMINISTER  
22 THE EPINEPHRINE AUTO-INJECTORS TO STUDENTS PURSUANT TO THE  
23 STANDING ORDER OR PROTOCOL.

24 (d) THE GOVERNING AUTHORITY OF A SCHOOL THAT ARRANGES  
25 WITH A PRACTITIONER TO ISSUE STANDING ORDERS AND PROTOCOLS FOR  
26 THE ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS TO STUDENTS BY  
27 SCHOOL NURSES AND BY DESIGNATED SCHOOL PERSONNEL MUST:

28 (I) COMPLY WITH THE RULES AND REQUIRE ITS EMPLOYEES TO  
29 COMPLY WITH THE RULES ADOPTED PURSUANT TO SUBSECTION (8) OF THIS  
30 SECTION, OR, IF THE SCHOOL IS NOT A PUBLIC SCHOOL, MUST IMPLEMENT  
31 A PLAN BASED ON THE RULES ADOPTED PURSUANT TO SUBSECTION (8) AND  
32 REQUIRE ITS EMPLOYEES TO COMPLY WITH THAT PLAN; AND

33 (II) COMMUNICATE WITH PARENTS ABOUT THE STANDING ORDERS  
34 AND PROTOCOLS FOR THAT SCHOOL AND MAKE INFORMATION AVAILABLE  
35 ON THE GOVERNING AUTHORITY'S WEB SITE OR THE WEB SITE OF EACH  
36 SCHOOL UNDER THE GOVERNING AUTHORITY'S JURISDICTION.

37 (e) THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND PUBLISH  
38 AN ANNUAL REPORT COMPILING, SUMMARIZING, AND ANALYZING ALL  
39 INCIDENT REPORTS SUBMITTED TO THE DEPARTMENT PURSUANT TO  
40 PARAGRAPH (e) OF SUBSECTION (8) OF THIS SECTION.

41 (6) UNLESS THE DAMAGES WERE CAUSED BY WILLFUL OR WANTON



1 CONDUCT OR DISREGARD OF THE CRITERIA OF AN APPROVED TREATMENT  
2 PLAN, if the provisions of this section are met, a school, school district,  
3 school district director, or school or school district employee or a  
4 volunteer not otherwise provided for under section 13-21-108, C.R.S.,  
5 shall not be liable in a suit for damages as a result of an act or omission  
6 related to:

7 (a) A student's own use of the student's epinephrine auto-injector  
8 or any other medication contained in an approved treatment plan; unless  
9 the damages were caused by willful or wanton conduct or disregard of the  
10 criteria of the treatment plan. OR

11 (b) THE GOOD-FAITH ADMINISTRATION OF AN EPINEPHRINE  
12 AUTO-INJECTOR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS  
13 ON THE ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS AS DESCRIBED  
14 IN SUBSECTION (5.5) OF THIS SECTION AND IN ACCORDANCE WITH RULES  
15 ADOPTED PURSUANT TO SUBSECTION (8) OF THIS SECTION.

16 (8) The state board of education, with assistance from the  
17 department of public health and environment, shall promulgate AND  
18 REVISE, AS NECESSARY, rules for treatment plans for the  
19 self-administration of medications MANAGEMENT OF STUDENTS WITH  
20 LIFE-THREATENING ALLERGIES pursuant to this section. THE STATE BOARD  
21 OF EDUCATION SHALL ADOPT RULES ON OR BEFORE DECEMBER 31, 2013,  
22 TO INCLUDE, BUT NOT BE LIMITED TO:

23 (a) EDUCATION AND TRAINING FOR DESIGNATED SCHOOL  
24 PERSONNEL TO WHOM A SCHOOL NURSE WILL BE DELEGATING THE  
25 NURSING TASK OF ADMINISTERING EPINEPHRINE AUTO-INJECTORS ABOUT  
26 THE MANAGEMENT OF STUDENTS WITH LIFE-THREATENING ALLERGIES,  
27 INCLUDING TRAINING RELATED TO THE ADMINISTRATION OF AN  
28 EPINEPHRINE AUTO-INJECTOR. IN DEVELOPING THE RULES ON EDUCATION  
29 AND TRAINING, THE STATE BOARD SHALL SOLICIT INPUT FROM AN  
30 ORGANIZATION THAT REPRESENTS SCHOOL NURSES.

31 (b) PROCEDURES FOR RESPONDING TO LIFE-THREATENING  
32 ALLERGIC REACTIONS;

33 (c) A PROCESS FOR THE DEVELOPMENT OF INDIVIDUALIZED HEALTH  
34 CARE AND ALLERGY ACTION PLANS FOR EVERY STUDENT WITH A KNOWN  
35 LIFE-THREATENING ALLERGY, INCLUDING THE SELF-ADMINISTRATION OF  
36 MEDICATIONS PURSUANT TO SUBSECTION (2) OF THIS SECTION;

37 (d) PROTOCOLS TO PREVENT EXPOSURE TO ALLERGENS;

38 (e) REQUIREMENTS FOR EACH SCHOOL TO SUBMIT, ON A FORM  
39 DEVELOPED BY THE DEPARTMENT OF EDUCATION, A REPORT OF EACH  
40 INCIDENT AT THE SCHOOL OR A SCHOOL-RELATED EVENT INVOLVING A  
41 SEVERE ALLERGIC REACTION OR THE ADMINISTRATION OF AN EPINEPHRINE



1 AUTO-INJECTOR OR BOTH; AND

2 (f) DETAILED STANDARDS FOR TRAINING PROGRAMS THAT MUST  
3 BE COMPLETED BY DESIGNATED SCHOOL PERSONNEL IN ORDER TO  
4 ADMINISTER AN EPINEPHRINE AUTO-INJECTOR IN ACCORDANCE WITH A  
5 STANDING ORDER OR PROTOCOL ISSUED BY A PRACTITIONER. TRAINING  
6 MAY BE CONDUCTED ON-LINE AND, AT A MINIMUM, SHALL COVER:

7 (I) TECHNIQUES ON HOW TO RECOGNIZE SYMPTOMS OF SEVERE  
8 ALLERGIC REACTIONS, INCLUDING ANAPHYLAXIS;

9 (II) STANDARDS AND PROCEDURES FOR THE STORAGE AND  
10 ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR; AND

11 (III) EMERGENCY FOLLOW-UP PROCEDURES AFTER ADMINISTERING  
12 AN EPINEPHRINE AUTO-INJECTOR.

13 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, add (1.7)  
14 as follows:

15 **12-36-117. Unprofessional conduct.** (1.7) A LICENSEE SHALL  
16 NOT BE SUBJECT TO DISCIPLINARY ACTION BY THE BOARD FOR ISSUING  
17 STANDING ORDERS AND PROTOCOLS THAT AUTHORIZE A SCHOOL NURSE TO  
18 ADMINISTER AN EPINEPHRINE AUTO-INJECTOR AS A DELEGATED MEDICAL  
19 FUNCTION TO A STUDENT IN A SCHOOL IN ACCORDANCE WITH THE  
20 REQUIREMENTS OF SECTION 22-1-119.5, C.R.S., OR FOR THE ACTIONS  
21 TAKEN BY ANY DESIGNATED SCHOOL PERSONNEL TO WHOM A SCHOOL  
22 NURSE DELEGATES THE NURSING TASK OF ADMINISTERING AN EPINEPHRINE  
23 AUTO-INJECTOR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS  
24 AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-1-119.5,  
25 C.R.S.

26 **SECTION 3.** In Colorado Revised Statutes, 12-38-125, add (1)  
27 (n) as follows:

28 **12-38-125. Exclusions.** (1) No provision of this article shall be  
29 construed to prohibit:

30 (n) (I) THE ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS BY  
31 A LICENSEE AS A DELEGATED MEDICAL FUNCTION IN A PUBLIC SCHOOL OR  
32 NONPUBLIC SCHOOL PURSUANT TO A STANDING ORDER OR PROTOCOL  
33 ISSUED BY A PRACTITIONER, AS DEFINED IN SECTION 22-1-119.5 (5.5),  
34 C.R.S., IN ACCORDANCE WITH SECTION 22-1-119.5, C.R.S.;

35 (II) THE ISSUANCE BY AN ADVANCED PRACTICE NURSE WITH  
36 PRESCRIPTIVE AUTHORITY OF STANDING ORDERS AND PROTOCOLS FOR THE  
37 USE OF EPINEPHRINE AUTO-INJECTORS FOR EMERGENCY USE IN A PUBLIC  
38 SCHOOL OR NONPUBLIC SCHOOL IN ACCORDANCE WITH SECTION  
39 22-1-119.5, C.R.S.; OR

40 (III) THE DELEGATION TO DESIGNATED SCHOOL PERSONNEL, AS  
41 DEFINED IN SECTION 22-1-119.5 (5.5), C.R.S., OF THE TASK OF



1 ADMINISTRATION OF AN EPINEPHRINE AUTO-INJECTOR TO STUDENTS IN A  
2 PUBLIC SCHOOL OR NONPUBLIC SCHOOL PURSUANT TO STANDING ORDERS  
3 OR PROTOCOLS AND IN ACCORDANCE WITH SECTION 22-1-119.5, C.R.S.

4 **SECTION 4. Appropriation.** In addition to any other  
5 appropriation, there is hereby appropriated, out of any moneys in the  
6 general fund not otherwise appropriated, to the department of education,  
7 for the fiscal year beginning July 1, 2013, the sum of \$8,035 and 0.1 FTE,  
8 or so much thereof as may be necessary, for allocation to health and  
9 nutrition programs for expenses related to the implementation of this act.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety."

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