

EPILEPSY TRAINING IN PUBLIC SCHOOLS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the administration of intranasal midazolam to a public school student under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ provides for the administration of intranasal midazolam to a public school student under certain circumstances;
- ▶ allows a school employee who is not a licensed health professional to administer intranasal midazolam to a public school student under certain circumstances; and
- ▶ requires the Department of Health to create an "intranasal midazolam as a rescue medicine authorization" form.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-11-603.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 53A-11-603.5 is enacted to read:

29 **53A-11-603.5. Administration of intranasal midazolam -- Training of volunteer**
30 **school personnel -- Authority to use intranasal midazolam -- Immunity from liability.**

31 (1) As used in this section, "intranasal midazolam as a rescue medicine authorization"
32 means a statement signed by a physician and a parent or legal guardian of a student with
33 epilepsy that:

34 (a) certifies that the student with epilepsy has a prescription for intranasal midazolam;

35 (b) requests that the public school of the student with epilepsy identify and train school
36 employees who volunteer to receive training in administering intranasal midazolam in
37 accordance with this section; and

38 (c) authorizes a trained school employee to administer intranasal midazolam to the
39 student with epilepsy in an emergency, in accordance with this section.

40 (2) The Department of Health, in cooperation with the State Board of Education, shall
41 create an "intranasal midazolam as a rescue medicine authorization" form for a public school to
42 use in accordance with this section.

43 (3) A public school:

44 (a) shall, within a reasonable time after receiving an intranasal midazolam as a rescue
45 medicine authorization, require a school nurse or other qualified licensed medical professional,
46 as determined by the local school board or charter school governing board, to provide training
47 in administering intranasal midazolam to school employees who volunteer to receive training;

48 (b) shall permit all willing school employees to receive training in administering
49 intranasal midazolam; and

50 (c) may not obstruct the identification or training of a volunteer under this Subsection
51 (3).

52 (4) (a) The training described in Subsection (3) shall include:

53 (i) techniques for recognizing a symptom that warrants administering intranasal
54 midazolam to a student with an intranasal midazolam as a rescue medicine authorization;

55 (ii) standards and procedures for the storage and use of intranasal midazolam;

56 (iii) other emergency procedures in the event a school employee administers intranasal
57 midazolam, including calling the emergency 911 number and contacting the student's parent or
58 guardian; and

59 (iv) written material covering the information described in this Subsection (4)(a).

60 (b) A public school shall retain for reference the written materials described in

61 Subsection (4)(a)(iv).

62 (5) (a) A public school shall permit a school employee who has received the training
63 under Subsection (3) to possess or store intranasal midazolam for a student with an intranasal
64 midazolam as a rescue medicine authorization.

65 (b) A public school shall permit a student who has an intranasal midazolam as a rescue
66 medicine authorization to possess or store the student's prescribed intranasal midazolam.

67 (6) (a) A school employee who receives training under Subsection (3) may administer
68 intranasal midazolam at a school or school activity to a student with an intranasal midazolam
69 as a rescue medicine authorization if:

70 (i) the student exhibits a symptom that warrants administering intranasal midazolam;

71 and

72 (ii) a licensed health care professional is not immediately available.

73 (b) A school employee who administers intranasal midazolam in accordance with

74 Subsection (6)(a) shall:

75 (i) direct another individual to call 911; and

76 (ii) take other appropriate actions in accordance with the training described in

77 Subsection (4)(a).

78 (7) A school employee who provides or receives training or administers intranasal
79 midazolam under this section in good faith is not liable in any civil or criminal action for an act
80 taken or not taken under this section.

81 (8) Section 53A-11-601 does not apply to the administration of intranasal midazolam
82 in accordance with this section.

83 (9) Section 53A-11-904 does not apply to the possession or administration of intranasal
84 midazolam in accordance with this section.

85 (10) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
86 Professions, do not apply to a person licensed as a health professional under Title 58,
87 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,
88 trains nonlicensed volunteers to administer intranasal midazolam in accordance with this
89 section.

Legislative Review Note
as of 2-26-15 8:58 AM

Office of Legislative Research and General Counsel