

**Representative Douglas V. Sagers** proposes the following substitute bill:

**EPILEPSY TRAINING IN PUBLIC SCHOOLS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas V. Sagers**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health, with input from an association of school nurses and an association of medical doctors, to develop:
  - an intranasal midazolam authorization form for use in a public school;
  - a training program and competency assessment for administration of intranasal midazolam; and
  - a list of qualified licensed health care personnel who are willing to train a school employee to administer intranasal midazolam;
    - ▶ provides for a school employee who is not a licensed health care professional to administer intranasal midazolam to a public school student under certain conditions;
- and
- ▶ provides certain exemptions from liability.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 [53A-11-600.5](#), Utah Code Annotated 1953

32 [53A-11-603.5](#), Utah Code Annotated 1953

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

35 Section 1. Section [53A-11-600.5](#) is enacted to read:

36 **53A-11-600.5. Definitions.**

37 As used in this part:

38 (1) "Individualized Education Program" or "IEP" means a written statement for a  
39 student with a disability that is developed, reviewed, and revised in accordance with the  
40 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

41 (2) "Intranasal midazolam authorization" means:

42 (a) a form, described in Section [53A-11-603.5](#), that includes a statement signed by a  
43 physician and the parent or legal guardian of a student with epilepsy, that:

44 (i) certifies that the student with epilepsy:

45 (A) has a prescription for intranasal midazolam;

46 (B) may receive intranasal midazolam when the student experiences full body  
47 convulsive seizure activity described in a plan of care, provided by the student's physician, on  
48 file with the student's school;

49 (C) has previously received intranasal midazolam administered by the student's parent  
50 or legal guardian in a nonmedically-supervised setting without a complication; and

51 (D) has previously ceased having full body convulsive seizure activity as a result of  
52 receiving intranasal midazolam;

53 (ii) describes the student's specific symptoms that warrant administration of intranasal  
54 midazolam;

55 (iii) requests that the public school of a student with an intranasal midazolam  
56 authorization identify and train at least three school employee volunteers; and

57 (iv) authorizes a school employee volunteer to administer intranasal midazolam in an  
58 emergency to a student with an intranasal midazolam authorization, as described in this  
59 section; or

60 (b) one of the following that contains all of the information described in Subsection  
61 (2)(a):

62 (i) a Section 504 accommodation plan;

63 (ii) an IEP; or

64 (iii) a health plan approved by a school.

65 (3) "School employee volunteer" means an individual who:

66 (a) is an employee of a public school where at least one student has an intranasal  
67 midazolam authorization;

68 (b) is 18 years old or older;

69 (c) is certified in cardiopulmonary resuscitation; and

70 (d) as described in Section [53A-11-603.5](#):

71 (i) volunteers to receive training in administering intranasal midazolam;

72 (ii) completes a training program; and

73 (iii) demonstrates competency on an assessment.

74 (4) "Section 504 accommodation plan" means a plan developed pursuant to Section  
75 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to  
76 an individual with a disability to ensure access to major life activities.

77 Section 2. Section **53A-11-603.5** is enacted to read:

78 **53A-11-603.5. Administration of intranasal midazolam -- Training of school**  
79 **employee volunteers -- Authority to use intranasal midazolam -- Immunity from liability.**

80 (1) The Department of Health, in cooperation with the State Board of Education and  
81 with input from an association of school nurses and an association of medical doctors, shall:

82 (a) create an intranasal midazolam authorization form for a public school to use as  
83 described in this section;

84 (b) develop a training program for a school employee volunteer that includes:

85 (i) techniques for recognizing the specific seizure symptoms described in a student's  
86 intranasal midazolam authorization;

87 (ii) standards and procedures for the storage and competent administration of intranasal

88 midazolam;

89 (iii) other emergency procedures in the event a school employee volunteer administers

90 intranasal midazolam, including:

91 (A) calling 911; and

92 (B) contacting the student's parent or legal guardian;

93 (iv) general seizure first aid;

94 (v) written material covering the information described in this Subsection (1)(b); and

95 (vi) an assessment to determine if an individual is competent to administer intranasal

96 midazolam; and

97 (c) maintain a list of qualified licensed health care personnel who are willing to

98 provide the training described in Subsection (1)(b) to an individual who volunteers to become a

99 school employee volunteer.

100 (2) A public school where at least one student has an intranasal midazolam

101 authorization form shall coordinate with a provider on the list of qualified licensed health care

102 personnel described in Subsection (1)(c) to provide:

103 (a) the training described in Subsection (1)(b) to an individual who volunteers to

104 become a school employee volunteer; and

105 (b) annual refresher training to a school employee volunteer.

106 (3) (a) Except as provided in Subsection (3)(b), a nonlicensed individual may not

107 remove intranasal midazolam from a locked secure location on school property.

108 (b) A school employee volunteer may:

109 (i) administer intranasal midazolam in accordance with Subsection (4);

110 (ii) accept intranasal midazolam for storage if the parent or legal guardian of a student

111 with an intranasal midazolam authorization provides the intranasal midazolam as described in

112 Subsection (3)(c);

113 (iii) return unused intranasal midazolam to the parent or legal guardian of a student

114 with an intranasal midazolam authorization;

115 (iv) for a student who is 18 years old or older and has an intranasal midazolam

116 authorization:

117 (A) accept the intranasal midazolam for storage if the intranasal midazolam is fully

118 assembled and labeled with the student's name and dosage; or

119 (B) return unused intranasal midazolam to the student; or  
120 (v) give the intranasal midazolam to a school nurse.  
121 (c) A parent or legal guardian of a student with an intranasal midazolam authorization:  
122 (i) shall provide the intranasal midazolam:  
123 (A) directly to a school nurse or school employee volunteer; and  
124 (B) fully assembled and labeled with the student's name and dosage; and  
125 (ii) may not allow the student to transport the intranasal midazolam to school if the  
126 student is under 18 years old.  
127 (4) (a) A school employee volunteer may administer intranasal midazolam to a student  
128 with an intranasal midazolam authorization if:  
129 (i) the student exhibits a symptom, described in the student's intranasal midazolam  
130 authorization, that warrants administering intranasal midazolam; and  
131 (ii) a licensed health care professional is not immediately available.  
132 (b) A school employee volunteer who administers intranasal midazolam under  
133 Subsection (4)(a) shall:  
134 (i) call 911 or direct another individual to call 911; and  
135 (ii) take other appropriate action in accordance with the training described in  
136 Subsection (1)(b).  
137 (5) A school employee volunteer who administers intranasal midazolam in accordance  
138 with this section in good faith is not liable in a civil or criminal action for an act taken or not  
139 taken under this section.  
140 (6) Section 53A-11-601 does not apply to the administration of intranasal midazolam.  
141 (7) Section 53A-11-904 does not apply to the possession of intranasal midazolam in  
142 accordance with this section.  
143 (8) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and  
144 Professions, do not apply to a person licensed as a health professional under Title 58,  
145 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,  
146 training a nonlicensed school employee volunteer to administer intranasal midazolam in  
147 accordance with this section.  
148 (b) Allowing a school employee volunteer to administer intranasal midazolam in  
149 accordance with this section does not constitute unlawful or inappropriate delegation under

150 Title 58, Occupations and Professions.