

§§1,2
C. 18A:40-12.5
&
18A:40-12.6

P.L. 1997, CHAPTER 368, *approved January 19, 1998*
Senate, No. 373 (*Second Reprint*)

1 AN ACT concerning the administration of medication for certain
2 school pupils and supplementing chapter 40 of Title 18A of the
3 New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Each board of education ²or chief school administrator of a
9 nonpublic school² shall develop a policy for the ¹emergency¹
10 administration of ¹[medication] epinephrine via epi-pen¹ to a pupil for
11 ¹[asthma or other potentially life-threatening illnesses] anaphylaxis¹
12 provided that:

13 a. the parents or guardians of the pupil provide to the board of
14 education ²or chief school administrator of a nonpublic school²
15 written authorization for the administration of the ¹[medication] epi-
16 pen¹;

17 b. the parents or guardians of the pupil provide to the board of
18 education ²or chief school administrator of a nonpublic school² written
19 ¹[certification] orders¹ from the physician ¹[of the pupil] or advanced
20 practice nurse¹ that the pupil ¹[has asthma or another potentially
21 life-threatening illness] requires the administration of epinephrine for
22 anaphylaxis¹ and does not have the capability for self-administration
23 of the medication;

24 c. the board ²or chief school administrator of a nonpublic school²
25 informs the parents or guardians of the pupil in writing that if the
26 procedures specified in this section are followed, the district and its
27 employees or agents ²or the nonpublic school and its employees or
28 agents² shall have no liability as a result of any injury arising from the
29 administration of ¹[medication] the epi-pen¹ to the pupil;

30 d. the parents or guardians of the pupil sign a statement

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted February 15, 1996.

² Senate amendments adopted in accordance with Governor's recommendations January 12, 1998.

1 acknowledging their understanding that if the procedures specified in
2 this section are followed, the district ²or the nonpublic school² shall
3 have no liability as a result of any injury arising from the
4 administration of ¹[medication] the epi-pen¹ to the pupil and that the
5 parents or guardians shall indemnify and hold harmless the district and
6 its employees or agents ²or the nonpublic school and its employees or
7 agents² against any claims arising out of the administration of
8 ¹[medication] the epi-pen¹ to the pupil; and

9 e. the permission is effective for the school year for which it is
10 granted and is renewed for each subsequent school year upon
11 fulfillment of the requirements in subsections a. through d. of this
12 section.

13
14 2. The policy for the administration of medication to a pupil shall
15 provide that the school nurse shall have the primary responsibility for
16 the administration of the ¹[medication] epi-pen¹. ¹[A board of
17 education may designate, in consultation with the school nurse,] The
18 school nurse may designate, in consultation with the board of
19 education,¹ ²or chief school administrator of a nonpublic school²
20 another employee of the school district ²or nonpublic school² to
21 administer ¹[medication to a pupil for asthma or other potentially
22 life-threatening illnesses] epinephrine via epi-pen to a pupil for
23 anaphylaxis¹ when the nurse is not physically present at the scene,
24 provided that:

25 a. the designated person has been properly trained in the
26 administration of ¹[medication] the epi-pen¹ by the school nurse
27 ¹using standardized training protocols established by the Department
28 of Education in consultation with the Department of Health¹;

29 b. the parents or guardians of the pupil consent in writing to the
30 administration of ¹[medication] the epi-pen¹ by the designated
31 individual.

32 c. the board ²or chief school administrator of a nonpublic school²
33 informs the parents or guardians of the pupil in writing that if the
34 procedures specified in this section are followed, the district and its
35 employees or agents ²or the nonpublic school and its employees and
36 agents² shall have no liability as a result of any injury arising from the
37 administration of ¹[medication] the epi-pen¹ to the pupil;

38 d. the parents or guardians of the pupil sign a statement
39 acknowledging their understanding that if the procedures specified in
40 this section are followed, the district ²or nonpublic school² shall have
41 no liability as a result of any injury arising from the administration of
42 ¹[medication] the epi-pen¹ to the pupil and that the parents or
43 guardians shall indemnify and hold harmless the district and its
44 employees or agents against any claims arising out of the
45 administration of ¹[medication] the epi-pen¹ to the pupil; and

46 e. the permission is effective for the school year for which it is

1 granted and is renewed for each subsequent school year upon
2 fulfillment of the requirements in subsections a. through d. of this
3 section.

4

5 ¹[3. a. In accordance with the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.) the State Board of Education
7 shall promulgate such rules and regulations as it deems necessary no
8 later than six months after the effective date of this act.

9 b. A board of education shall not be prohibited from permitting the
10 administration of medication pursuant to sections 1 and 2 of this act
11 prior to the promulgation of rules and regulations by the State Board
12 of Education.]¹

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14 ¹[4.] 3.¹ This act shall take effect immediately.

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20 Permits administration of epinephrine via epi-pen by school nurse or
other trained school employee.