

AN ACT

**D.C. ACT 21-259**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 12, 2016**

To amend the Student Access to Treatment Act of 2007 to authorize public schools to possess and administer epinephrine injectors and to require the Office of the State Superintendent of Education to establish and administer an undesignated epinephrine auto-injector plan; and to amend the District of Columbia Health Occupations Revision Act of 1985 and the State Education Office Establishment Act of 2000 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Emergency Epinephrine in Schools Amendment Act of 2015".

Sec. 2. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) "OSSE" means the Office of the State Superintendent of Education established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

"(3B) "Public school" means a District of Columbia Public Schools school or a public charter school. The term "public school" excludes any parochial school or private school in the District."

(2) New paragraphs (6) and (7) are added to read as follows:

"(6) "Undesignated epinephrine auto-injector" means a disposable drug delivery system with a spring-activated needle, which is obtained without a prescription for a particular person, that is designed for the emergency administration of epinephrine to a person suffering an episode of anaphylaxis.

"(7) "UEA plan" means the undesignated epinephrine auto-injector plan established pursuant to section 5a."

(b) Section 4(a)(1)(B) (D.C. Official Code § 38-651.03(a)(1)(B)) is amended by striking the phrase "responsible person" and inserting the phrase "responsible person, or, if the student is 18 years of age or older, another adult suitable to serve as an emergency contact" in its place.

(c) A new section 5a is added to read as follows:

"Sec. 5a. Student access to epinephrine.

“(a) OSSE shall establish and administer an undesignated epinephrine auto-injector plan that authorizes a public school to possess and administer undesignated epinephrine auto-injectors.

“(b)(1) By June 1, 2016, the Department of Health shall obtain a standing order signed by at least one practicing physician, physician assistant, or advanced practice nurse licensed in the District to permit public schools to use undesignated epinephrine auto-injectors in emergency circumstances.

“(2) By July 1, 2016, OSSE shall develop and implement an epinephrine administration training program, which shall provide training and certification of employees and agents of a public school on the storage and emergency use of an undesignated epinephrine auto-injector on a person suffering an episode of anaphylaxis.

“(3) Upon implementation of the UEA plan, each public school shall ensure that it has at least 2 employees or agents certified in the use of an undesignated epinephrine auto-injector who are available to administer epinephrine during all hours of the school day.

“(4) For the purposes of this subsection, the term “certified” means an individual who has obtained a certificate of completion of the epinephrine administration training that is developed and implemented by OSSE and approved by the Mayor.

“(c)(1) Under the UEA plan, OSSE shall:

“(A) Implement the UEA plan, with guidance from the Department of Health;

“(B) Procure and distribute undesignated epinephrine auto-injectors to public schools for use in emergency circumstances;

“(C) Monitor the supply of undesignated epinephrine auto-injectors, including ensuring that the supply is restocked as auto-injectors are used;

“(D) Ensure the destruction of expired undesignated epinephrine auto-injectors at public schools; and

“(E) Maintain records regarding the procurement, distribution, and disposition of undesignated epinephrine auto-injectors for 3 years.

“(2)(A) A public school shall store undesignated epinephrine auto-injectors in a secure but easily accessible location in accordance with the manufacturer’s instructions.

“(B) Each public school shall maintain, at all times, no fewer than 2 unexpired undesignated epinephrine auto-injectors of each dosage available through the UEA plan.

“(d)(1) An employee or agent of a public school who is certified pursuant to this section may administer an undesignated epinephrine auto-injector to a student who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode.

“(2) Undesignated epinephrine auto-injectors may be used on public school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from public school property. The certified employee or agent of the public school may carry an appropriate supply of the public school’s undesignated epinephrine auto-injectors on field trips or excursions.

“(3) Within 24 hours of the administration of an undesignated epinephrine auto-injector, the public school shall notify OSSE and the physician, physician assistant, or advance practice nurse who provided the standing order for the undesignated epinephrine auto-injector of its use.

“(4) As soon as practicable following the administration of medication pursuant to this section, the public school shall inform the student’s responsible person that the medication was administered.”.

(d) Section 7(d) (D.C. Official Code § 38-651.06(d)) is amended by striking the phrase “a minor” and inserting the word “the” in its place.

(e) Section 10(a) (D.C. Official Code § 38-651.09(a)) is amended as follows:

(1) Strike the phrase “A school” and insert the phrase “Except as provided in section 5a, a school” in its place.

(2) Strike the phrase “, anaphylaxis,”.

(f) Section 12 (D.C. Official Code § 38-651.11) is amended by striking the phrase “The District, a school, or an employee or agent of a school” and inserting the phrase “The District, a school, an employee or agent of a school, or the practicing physician, physician assistant, or advanced practice nurse who has issued the standing order pursuant to this act” in its place.

(g) Section 13 (D.C. Official Code § 38-651.12) is amended by adding a new subsection (d) to read as follows:

“(d) By August 1, 2016, pursuant to the authority granted by section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11)), OSSE, in consultation with the Department of Health, shall issue rules to implement the provisions of section 5a, including establishing a protocol for record keeping whenever epinephrine is administered pursuant to section 5a.”.

### Sec. 3. Conforming amendments.

(a) Section 102(11)(B)(iii) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(B)(iii)), is amended by striking the phrase “of the person for whom” and inserting the phrase “of the person for whom or, with respect to auto-injectable epinephrine, the school to which” in its place.

(b) Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows

(1) Paragraph (22) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (23) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (24) is added to read as follows:

“(24) Procure, distribute, and maintain the undesignated epinephrine auto-injector supply and fulfill its other responsibilities as required by the Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*).”.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

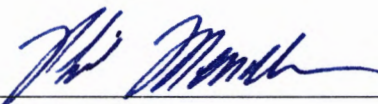
(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

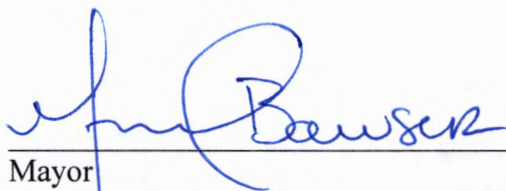
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
January 12, 2016



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

Docket No. **B21-5**

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FIRST READING, 12/01/2015**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-18-15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FINAL READING, 12/15/2015**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
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Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-18-15

Date

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ACTION & DATE

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RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date