

SENATE, No. 223

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

Permits school bus driver to administer epinephrine to student in emergency under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the administration of epinephrine by school bus
2 drivers and supplementing P.L.1997, c.368 (C.18A:40-12.5 et
3 seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
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8 1. a. As used in this section, “school bus driver” includes
9 school bus drivers who are employed by a board of education and
10 school bus drivers who are employed by a school bus contractor
11 that provides pupil transportation services under contract with a
12 board of education.

13 b. The policy of a board of education or a nonpublic school for
14 the emergency administration of epinephrine to a student for
15 anaphylaxis shall permit a school bus driver to administer
16 epinephrine to a student when the following conditions are met:

17 (1) the student’s parent or guardian has provided written
18 authorization for a school bus driver to administer epinephrine to
19 the student in an emergency;

20 (2) the student’s parent or guardian has provided to the board of
21 education or chief school administrator of a nonpublic school
22 written orders from a physician or advanced practice nurse that the
23 student requires the administration of epinephrine for anaphylaxis;

24 (3) the board or chief school administrator of a nonpublic school
25 informs the student’s parents or guardians in writing that the district
26 and its employees or agents or the nonpublic school and its
27 employees or agents, the school bus driver, and school bus
28 contractor shall have no liability as a result of any injury arising
29 from the administration of the epinephrine via a pre-filled auto-
30 injector mechanism;

31 (4) the student’s parents or guardians sign a statement
32 acknowledging their understanding that the district or the nonpublic
33 school, the school bus driver, and school bus contractor shall have
34 no liability as a result of any injury arising from the administration
35 of the epinephrine via a pre-filled auto-injector mechanism to the
36 student and that the parents or guardians shall indemnify and hold
37 harmless the district and its employees or agents or the nonpublic
38 school and its employees or agents, the school bus driver, and
39 school bus contractor against any claims arising out of the
40 administration of the epinephrine via a pre-filled auto-injector
41 mechanism; and

42 (5) the school bus driver has been properly trained in the
43 administration of epinephrine via a pre-filled auto-injector
44 mechanism using standardized training protocols established
45 pursuant to subsection a. of section 2 of P.L.1997, c.368 (C.18A:40-
46 12.6). The training shall be conducted by an entity or individual
47 approved by the Department of Health.

1 The written permission of the student's parent or guardian shall
2 be effective for the school year for which it is granted and may be
3 renewed for each subsequent school year upon fulfillment of the
4 requirements in this subsection.

5 c. Nothing in this section shall be construed to prohibit the
6 emergency administration of epinephrine to a student for
7 anaphylaxis by a school bus driver when the student is authorized to
8 self-administer epinephrine pursuant to section 1 of P.L.1993, c.308
9 (C.18A:40-12.3).

10 d. No school bus driver, school district, nonpublic school, or
11 school bus contractor that provides pupil transportation services
12 under contract with a board of education shall be held liable for any
13 good faith act or omission consistent with the provisions of this
14 section. Good faith shall not include willful misconduct, gross
15 negligence, or recklessness.

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17 2. The State Board of Education shall promulgate regulations
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
20 act.

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22 3. This act shall take effect immediately and shall first apply to
23 the first full school year following the date of enactment.

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STATEMENT

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28 The bill adds certain requirements regarding school district and
29 nonpublic school policies for the emergency administration of
30 epinephrine to a student, namely the requirements that the student's
31 parent or guardian provide written orders from a physician or
32 advanced practice nurse that the student requires epinephrine for
33 anaphylaxis; that the student's parent or guardian is informed in
34 writing regarding immunity from liability for the school district or
35 nonpublic school, their employees and agents, the school bus driver,
36 and school bus contractor; and that the parent or guardian
37 acknowledge his understanding of the immunity from liability. The
38 bill also specifies that the written permission of the student's parent
39 or guardian will be effective for the school year for which it is
40 granted and may be renewed for each subsequent school year upon
41 fulfillment of the bill's requirements. In addition, the bill provides
42 that the Department of Health, will approve an entity or individual
43 to conduct the training for school bus drivers in the administration
44 of epinephrine.