



General Assembly

January Session, 2003

**Amendment**

LCO No. 6229

\*HB0593106229HDO\*

Offered by:

REP. FELTMAN, 6<sup>th</sup> Dist.  
REP. GIANNAROS, 21<sup>st</sup> Dist.  
REP. NAFIS, 27<sup>th</sup> Dist.  
REP. CURREY, 10<sup>th</sup> Dist.  
REP. SAWYER, 55<sup>th</sup> Dist.

REP. DUFF, 137<sup>th</sup> Dist.  
REP. O'NEILL, 69<sup>th</sup> Dist.  
REP. CHAPIN, 67<sup>th</sup> Dist.  
REP. WINKLER, 41<sup>st</sup> Dist.

To: Subst. House Bill No. 5931

File No. 477

Cal. No. 321

**"AN ACT CONCERNING THE ADMINISTRATION OF CARTRIDGE INJECTORS TO TREAT ALLERGIC REACTIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2003*) No local or regional board  
4 of education shall deny a student access to school transportation solely  
5 due to such student's need to carry a cartridge injector while traveling  
6 on a vehicle used for school transportation. For purposes of this  
7 section, "cartridge injector" means an automatic prefilled cartridge  
8 injector or similar automatic injectable equipment used to deliver  
9 epinephrine in a standard dose for emergency first aid response to  
10 allergic reactions.

11 Sec. 2. Section 10-208a of the general statutes is repealed and the

12 following is substituted in lieu thereof (*Effective July 1, 2003*):

13 Each local and regional board of education shall honor written  
14 notice submitted by a licensed practitioner [of the healing arts, as  
15 defined in section 20-1,] which places physical restrictions upon any  
16 pupil enrolled in the public schools of such board of education. For  
17 purposes of this section, licensed practitioner means any person who is  
18 licensed to practice under chapter 370, 372, 373 or 375 or section 20-  
19 94a.

20 Sec. 3. Subsection (a) of section 10-212 of the general statutes is  
21 repealed and the following is substituted in lieu thereof (*Effective July*  
22 *1, 2003*):

23 (a) Each local or regional board of education shall appoint one or  
24 more school nurses or nurse practitioners. Such school nurses and  
25 nurse practitioners appointed by such boards shall be qualified  
26 pursuant to regulations adopted in accordance with the provisions of  
27 chapter 54 by the State Board of Education [with the technical advice  
28 and assistance of] in consultation with the Department of Public  
29 Health. Such school nurses may also act as visiting nurses in the town,  
30 may visit the homes of pupils in the public schools and shall assist in  
31 executing the orders of the school medical advisor, if there is any in  
32 such town, and perform such other duties as are required by such  
33 board.

34 Sec. 4. Section 10-212a of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective July 1, 2003*):

36 (a) A school nurse or, in the absence of such nurse, any other nurse  
37 licensed pursuant to the provisions of chapter 378, including a nurse  
38 employed by, or providing services under the direction of a local or  
39 regional board of education at, a school-based health clinic, who shall  
40 administer medical preparations only to students enrolled in such  
41 school-based health clinic in the absence of a school nurse, the  
42 principal, any teacher, licensed physical or occupational therapist  
43 employed by a school district, or coach of intramural and

44 interscholastic athletics of a school may administer medicinal  
45 preparations, including such controlled drugs as the Commissioner of  
46 [Public Health] Consumer Protection may, by regulation, designate, to  
47 any student at such school pursuant to the written order of a physician  
48 licensed to practice medicine or a dentist licensed to practice dental  
49 medicine in this or another state, or an advanced practice registered  
50 nurse licensed to prescribe in accordance with section 20-94a, or a  
51 physician assistant licensed to prescribe in accordance with section 20-  
52 12d, and the written authorization of a parent or guardian of such  
53 child. The administration of medicinal preparations by a nurse  
54 licensed pursuant to the provisions of chapter 378, a principal, teacher,  
55 licensed physical or occupational therapist employed by a school  
56 district, or coach shall be under the general supervision of a school  
57 nurse. No such school nurse or other nurse, principal, teacher, licensed  
58 physical or occupational therapist employed by a school district, [or]  
59 coach or school paraprofessional administering medication pursuant  
60 to subsection (d) of this section shall be liable to such student or a  
61 parent or guardian of such student for civil damages for any personal  
62 injuries which result from acts or omissions of such school nurse or  
63 other nurse, principal, teacher, licensed physical or occupational  
64 therapist employed by a school district, [or] coach or school  
65 paraprofessional administering medication pursuant to subsection (d)  
66 of this section in administering such preparations which may  
67 constitute ordinary negligence. This immunity shall not apply to acts  
68 or omissions constituting gross, wilful or wanton negligence.

69 (b) Each school wherein any controlled drug is administered under  
70 the provisions of this section shall keep such records thereof as are  
71 required of hospitals under the provisions of subsections (f) and (h) of  
72 section 21a-254 and shall store such drug in such manner as the  
73 Commissioner of [Public Health] Consumer Protection shall, by  
74 regulation, require.

75 (c) The [Commissioner of Public Health] State Board of Education,  
76 in consultation with the Commissioner of Public Health, may adopt  
77 regulations, in accordance with the provisions of chapter 54, as

78 determined to be necessary by the board to carry out the provisions of  
79 this section, including, but not limited to, regulations that (1) specify  
80 conditions under which a coach of intramural and interscholastic  
81 athletics may administer medicinal preparations, including controlled  
82 drugs specified in the regulations adopted by the commissioner, to a  
83 child participating in such intramural and interscholastic athletics, (2)  
84 specify conditions and procedures for the administration of medication  
85 by school personnel to students, and (3) specify conditions for self  
86 administration of medication by students. The regulations shall require  
87 authorization pursuant to: [(1)] (A) The written order of a physician  
88 licensed to practice medicine or a dentist licensed to practice dental  
89 medicine in this or another state, an advanced practice registered nurse  
90 licensed under chapter 378, a physician assistant licensed under  
91 chapter 370, a podiatrist licensed under chapter 375 or an optometrist  
92 licensed under chapter 380; and [(2)] (B) the written authorization of a  
93 parent or guardian of such child.

94 (d) (1) With the written authorization of a student's parents, and (2)  
95 pursuant to the written order of the student's (A) physician licensed to  
96 practice medicine, (B) an advanced practice registered nurse licensed  
97 to prescribe in accordance with section 20-94a, or (C) a physician  
98 assistant licensed to prescribe in accordance with section 20-12d, a  
99 school nurse and a school medical advisor may jointly approve and  
100 provide general supervision to an identified school paraprofessional to  
101 administer medication, including, but not limited to, medication  
102 administered with a cartridge injector, to a specific student with a  
103 medically diagnosed allergic condition that may require prompt  
104 treatment in order to protect the student against serious harm or death.  
105 For purposes of this subsection, "cartridge injector" means an  
106 automatic prefilled cartridge injector or similar automatic injectable  
107 equipment used to deliver epinephrine in a standard dose for  
108 emergency first aid response to allergic reactions.

109 Sec. 5. (Effective July 1, 2003) On and after July 1, 2003, any  
110 amendments made to regulations adopted by the Commissioner of  
111 Public Health pursuant to section 10-212a of the general statutes,

112 revision of 1958, revised to January 1, 2003, shall be adopted by the  
113 State Board of Education in accordance with section 10-212a of the  
114 general statutes, as amended by this act.

115 Sec. 6. Subsection (a) of section 10-220a of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective July*  
117 *1, 2003*):

118 (a) Each local or regional board of education shall provide an in-  
119 service training program for its teachers, administrators and pupil  
120 personnel who hold the initial educator, provisional educator or  
121 professional educator certificate. Such program shall provide such  
122 teachers, administrators and pupil personnel with information on (1)  
123 the nature and the relationship of drugs, as defined in subdivision (17)  
124 of section 21a-240, and alcohol to health and personality development,  
125 and procedures for discouraging their abuse, (2) health and mental  
126 health risk reduction education which includes, but need not be  
127 limited to, the prevention of risk-taking behavior by children and the  
128 relationship of such behavior to substance abuse, pregnancy, sexually  
129 transmitted diseases, including HIV-infection and AIDS, as defined in  
130 section 19a-581, violence, child abuse and youth suicide, (3) the growth  
131 and development of exceptional children, including handicapped and  
132 gifted and talented children and children who may require special  
133 education, including, but not limited to, children with attention-deficit  
134 hyperactivity disorder or learning disabilities, and methods for  
135 identifying, planning for and working effectively with special needs  
136 children in a regular classroom, (4) school violence prevention and  
137 conflict resolution, (5) cardiopulmonary resuscitation and other  
138 emergency life saving procedures, (6) computer and other information  
139 technology as applied to student learning and classroom instruction,  
140 communications and data management, and (7) the teaching of the  
141 language arts, reading and reading readiness for teachers in grades  
142 kindergarten to three, inclusive. The State Board of Education, within  
143 available appropriations and utilizing available materials, shall assist  
144 and encourage local and regional boards of education to include: (A)  
145 Holocaust education and awareness; (B) the historical events

146 surrounding the Great Famine in Ireland; (C) African-American  
147 history; (D) Puerto Rican history; (E) Native American history; (F)  
148 personal financial management; and (G) topics approved by the state  
149 board upon the request of local or regional boards of education as part  
150 of in-service training programs pursuant to this subsection.

151 Sec. 7. (NEW) (*Effective July 1, 2003*) (a) No local or regional board of  
152 education may prohibit blood glucose self-testing by children with  
153 diabetes who have a written order from a physician or an advanced  
154 practice registered nurse stating the need and the capability of such  
155 child to conduct self-testing.

156 (b) The Commissioner of Education, in consultation with the  
157 Commissioner of Public Health, shall develop guidelines for policies  
158 and practices with respect to blood glucose self-testing by children  
159 pursuant to subsection (a) of this section. Such guidelines shall not be  
160 construed as regulations within the scope of chapter 54 of the general  
161 statutes.

162 Sec. 8. Section 10-212b of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective July 1, 2003*):

164 (a) For purposes of this section, (1) "psychotropic drugs" means  
165 prescription medications for behavioral or social-emotional concerns,  
166 such as attentional deficits, impulsivity, anxiety, depression and  
167 thought disorders, and includes, but is not limited to, stimulant  
168 medication and antidepressants, and (2) "school health or mental  
169 health personnel" means school nurses or nurse practitioners  
170 appointed pursuant to section 10-212, school medical advisors  
171 appointed pursuant to section 10-205, school psychologists, school  
172 social workers, school counselors and such other school personnel who  
173 have been identified as the person responsible for communication with  
174 a parent or guardian about a child's need for medical evaluation  
175 pursuant to a policy adopted by a local or regional board of education  
176 as required by subsection (b) of this section.

177 (b) Each local and regional board of education shall adopt and

178 implement policies prohibiting any school personnel from  
179 recommending the use of psychotropic drugs for any child. Such  
180 policies shall set forth procedures (1) for communication between  
181 school health or mental health personnel and other school personnel  
182 about a child who may require a recommendation for a medical  
183 evaluation, (2) establishing the method in which school health or  
184 mental health personnel communicate a recommendation to a parent  
185 or guardian that such child be evaluated by an appropriate medical  
186 practitioner, and (3) for obtaining proper consent from a parent or  
187 guardian of a child for the school health or mental health personnel to  
188 communicate about such child with a medical practitioner outside the  
189 school who is not a school employee. The provisions of this section  
190 shall not prohibit (A) school [medical staff] health or mental health  
191 personnel from recommending that a child be evaluated by an  
192 appropriate medical practitioner, [or prohibit] (B) school personnel  
193 from consulting with such practitioner with the consent of the parents  
194 or guardian of such child, (C) the planning and placement team from  
195 recommending a medical evaluation as part of an initial evaluation or  
196 reevaluation, as needed to determine a child's (i) eligibility for special  
197 education and related services, or (ii) educational needs for an  
198 individualized education program.

199 Sec. 9. Section 10-209 of the general statutes is repealed and the  
200 following is substituted in lieu thereof (*Effective July 1, 2003*):

201 (a) No record of any medical examination made or filed under the  
202 provisions of sections 10-205, 10-206, 10-207 and 10-214, or of any  
203 psychological examination made under the supervision or at the  
204 request of a board of education, shall be open to public inspection.

205 (b) Each health care provider, as defined in section 19a-7h, who has  
206 provided immunizations pursuant to section 10-204a and each health  
207 care provider as described in section 10-206 who has provided health  
208 assessments pursuant to section 10-206 to a child who is seeking to  
209 enroll in a public school in this state shall provide reports of such  
210 immunizations and health assessments to the designated

211 representative of the local or regional school district governing the  
212 school in which the child seeks to enroll. Such health care providers  
213 shall also report the results of health assessments required pursuant to  
214 section 10-206 and report on immunizations provided pursuant to  
215 section 10-204a to such representative for each child enrolled in such  
216 public school. Each local and regional board of education shall  
217 annually designate a representative to receive such reports from health  
218 care providers.

219 Sec. 10. Section 52-557b of the general statutes is repealed and the  
220 following is substituted in lieu thereof (*Effective July 1, 2003*):

221 (a) A person licensed to practice medicine and surgery under the  
222 provisions of chapter 370 or dentistry under the provisions of section  
223 20-106 or members of the same professions licensed to practice in any  
224 other state of the United States, a person licensed as a registered nurse  
225 under section 20-93 or 20-94 or certified as a licensed practical nurse  
226 under section 20-96 or 20-97, a medical technician or any person  
227 operating a cardiopulmonary resuscitator or a person trained in  
228 cardiopulmonary resuscitation or in the use of an automatic external  
229 defibrillator in accordance with the standards set forth by the  
230 American Red Cross or American Heart Association, who, voluntarily  
231 and gratuitously and other than in the ordinary course of such person's  
232 employment or practice, renders emergency medical or professional  
233 assistance to a person in need thereof, shall not be liable to such person  
234 assisted for civil damages for any personal injuries which result from  
235 acts or omissions by such person in rendering the emergency care,  
236 which may constitute ordinary negligence. The immunity provided in  
237 this subsection does not apply to acts or omissions constituting gross,  
238 wilful or wanton negligence. For the purposes of this subsection,  
239 "automatic external defibrillator" means a device that: (1) Is used to  
240 administer an electric shock through the chest wall to the heart; (2)  
241 contains internal decision-making electronics, microcomputers or  
242 special software that allows it to interpret physiologic signals, make  
243 medical diagnosis and, if necessary, apply therapy; (3) guides the user  
244 through the process of using the device by audible or visual prompts;

245 and (4) does not require the user to employ any discretion or judgment  
246 in its use.

247 (b) A paid or volunteer firefighter or police officer, a teacher or  
248 other school personnel on the school grounds or in the school building  
249 or at a school function, a member of a ski patrol, a lifeguard, a  
250 conservation officer, patrol officer or special police officer of the  
251 Department of Environmental Protection, or emergency medical  
252 service personnel, who has completed a course in first aid offered by  
253 the American Red Cross, the American Heart Association, the National  
254 Ski Patrol, the Department of Public Health or any director of health,  
255 as certified by the agency or director of health offering the course, and  
256 who renders emergency first aid to a person in need thereof, shall not  
257 be liable to such person assisted for civil damages for any personal  
258 injuries which result from acts or omissions by such person in  
259 rendering the emergency first aid, which may constitute ordinary  
260 negligence. No paid or volunteer firefighter, police officer or  
261 emergency medical service personnel who forcibly enters the residence  
262 of any person in order to render emergency first aid to a person whom  
263 such firefighter, police officer or emergency medical service personnel  
264 reasonably believes to be in need thereof shall be liable to such person  
265 for civil damages incurred as a result of such entry. The immunity  
266 provided in this subsection does not apply to acts or omissions  
267 constituting gross, wilful or wanton negligence.

268 (c) An employee of a railroad company, including any company  
269 operating a commuter rail line, who has successfully completed a  
270 course in first aid, offered by the American Red Cross, the American  
271 Heart Association, the National Ski Patrol, the Department of Public  
272 Health or any director of health, as certified by the agency or director  
273 of health offering the course, and who renders emergency first aid or  
274 cardiopulmonary resuscitation to a person in need thereof, shall not be  
275 liable to such person assisted for civil damages for any personal injury  
276 or death which results from acts or omissions by such employee in  
277 rendering the emergency first aid or cardiopulmonary resuscitation  
278 which may constitute ordinary negligence. The immunity provided in

279 this subsection does not apply to acts or omissions constituting gross,  
280 wilful or wanton negligence.

281 (d) A railroad company, including any commuter rail line, which  
282 provides emergency medical training or equipment to any employee  
283 granted immunity pursuant to subsection (c) of this section shall not be  
284 liable for civil damages for any injury sustained by a person or for the  
285 death of a person which results from the company's acts or omissions  
286 in providing such training or equipment or which results from acts or  
287 omissions by such employee in rendering emergency first aid or  
288 cardiopulmonary resuscitation, which may constitute ordinary  
289 negligence. The immunity provided in this subsection does not apply  
290 to acts or omissions constituting gross, wilful or wanton negligence.

291 (e) (1) For purposes of this subsection, "cartridge injector" means an  
292 automatic prefilled cartridge injector or similar automatic injectable  
293 equipment used to deliver epinephrine in a standard dose for  
294 emergency first aid response to allergic reactions.

295 (2) Any volunteer worker associated with a program offered to  
296 children sixteen years of age or younger by a corporation, other than a  
297 licensed health care provider, that is exempt from federal income  
298 taxation under Section 501 of the Internal Revenue Code of 1986, or  
299 any subsequent corresponding internal revenue code of the United  
300 States, as from time to time amended, who (A) has been trained in the  
301 use of a cartridge injector by a licensed physician, physician's assistant,  
302 advanced practice registered nurse or registered nurse, (B) has  
303 obtained the consent of a parent or legal guardian to use a cartridge  
304 injector on his or her child, and (C) uses a cartridge injector on such  
305 child in apparent need thereof participating in such program, shall not  
306 be liable to such child assisted or to such child's parent or guardian for  
307 civil damages for any personal injury or death which results from acts  
308 or omissions by such worker in using a cartridge injector which may  
309 constitute ordinary negligence. The immunity provided in this  
310 subsection does not apply to acts or omissions constituting gross,  
311 wilful or wanton negligence.

312       (3) A corporation, other than a licensed health care provider, that is  
 313 exempt from federal income taxation under Section 501 of the Internal  
 314 Revenue Code of 1986, or any subsequent corresponding internal  
 315 revenue code of the United States, as from time to time amended,  
 316 which provides training in the use of cartridge injectors to any  
 317 volunteer worker granted immunity pursuant to subdivision (2) of this  
 318 subsection shall not be liable for civil damages for any injury sustained  
 319 by, or for the death of, a child sixteen years of age or younger who is  
 320 participating in a program offered by such corporation, which injury  
 321 or death results from acts or omissions by such worker in using a  
 322 cartridge injector, which may constitute ordinary negligence. The  
 323 immunity provided in this subsection does not apply to acts or  
 324 omissions constituting gross, wilful or wanton negligence.

325       [(e)] (f) A teacher or other school personnel, on the school grounds  
 326 or in the school building or at a school function, who has completed  
 327 both a course in first aid in accordance with subsection (b) of this  
 328 section and a course given by the medical advisor of the school or by a  
 329 licensed physician in the administration of medication by injection,  
 330 who renders emergency care by administration of medication by  
 331 injection to a person in need thereof, shall not be liable to the person  
 332 assisted for civil damages for any injuries which result from acts or  
 333 omissions by the person in rendering the emergency care of  
 334 administration of medication by injection, which may constitute  
 335 ordinary negligence. The immunity provided in this subsection does  
 336 not apply to acts or omissions constituting gross, wilful or wanton  
 337 negligence.

338       [(f)] (g) The provisions of this section shall not be construed to  
 339 require any teacher or other school personnel to render emergency first  
 340 aid or administer medication by injection."

This act shall take effect as follows:	
Section 1	July 1, 2003
Sec. 2	July 1, 2003

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Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>