

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 128

 By: Rader and Hicks of the
 Senate

6 and

7 Lowe (Dick) of the House

8
9
10 An Act relating to schools; creating the Seizure-Safe
11 Schools Act; providing short title; defining term;
12 requiring certain school employee to have certain
13 training by certain date; requiring school seizure
14 training programs and guidelines to meet certain
15 criteria; requiring written parent authorization,
16 written statement and certain action plan prior to
17 administering certain medication; requiring school to
18 maintain certain records; providing applicability of
19 act; authorizing promulgation of rules; providing
20 exemption from certain disciplinary proceeding;
21 providing for immunity from certain liability;
22 providing for codification; and declaring an
23 emergency.
24

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1210.183 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. This act shall be known and may be cited as the "Seizure-
24 Safe Schools Act".

1 B. As used in the Seizure-Safe Schools Act, "seizure action
2 plan" means a written, individualized health plan designed to
3 acknowledge and prepare for the health care needs of a student
4 diagnosed with a seizure disorder.

5 C. Beginning January 1, 2022, each school district board of
6 education shall have at least one school employee at each school who
7 has met the training requirements necessary to:

8 1. Administer or assist with the self-administration of a
9 seizure rescue medication or medication prescribed to treat seizure
10 disorder symptoms as approved by the United States Food and Drug
11 Administration and any successor agency; and

12 2. Recognize the signs and symptoms of seizures and the
13 appropriate steps to be taken to respond to these symptoms.

14 D. Any training programs or guidelines adopted by any state
15 agency for the training of school personnel in the health care needs
16 of any student diagnosed with a seizure disorder shall be fully
17 consistent with training programs and guidelines developed by the
18 Epilepsy Foundation of America and any successor organization.
19 Notwithstanding any state agency requirement or other law to the
20 contrary, for the purposes of this training a school district shall
21 be permitted to use any adequate and appropriate training programs
22 or guidelines for training of school personnel in the seizure
23 disorder care tasks covered under this section.
24

1 E. Before a seizure rescue medication can be administered to a
2 student to treat seizure disorder symptoms, the student's parent or
3 legal guardian shall:

4 1. Provide the school with written authorization to administer
5 the medication at school;

6 2. Provide a written statement from the student's health care
7 provider that shall contain the following information:

8 a. the student's name,

9 b. the name and purpose of the medication,

10 c. the prescribed dosage,

11 d. the route of administration,

12 e. the frequency that the medication may be administered,
13 and

14 f. the circumstances under which the medication may be
15 administered;

16 3. Provide the prescribed medication to the school in its
17 unopened, sealed package with the label affixed by the dispensing
18 pharmacy intact; and

19 4. Collaborate with school personnel to create a seizure action
20 plan.

21 F. The written authorization, written statement and seizure
22 action plan required in subsection E of this section shall be kept
23 on file in the office of the school nurse or school administrator
24

1 and shall be distributed to any school personnel or volunteers
2 responsible for the supervision or care of the student.

3 G. The written authorization for the administration of seizure
4 rescue medications provided for in subsection E of this section
5 shall be effective for the school year in which it is granted and
6 may be renewed each following school year upon fulfilling the
7 requirements of subsections E and F of this section.

8 H. The Seizure-Safe Schools Act shall apply only to a school
9 that has a student enrolled who has a seizure disorder and has a
10 seizure rescue medication or other medication prescribed to treat
11 seizure disorder symptoms approved by the United States Food and
12 Drug Administration and any successor agency prescribed by the
13 student's health care provider.

14 I. The State Board of Education may promulgate administrative
15 rules for the development and implementation of the seizure
16 education program and the procedures for the development and content
17 of seizure action plans.

18 J. 1. A school employee may not be subject to any disciplinary
19 proceeding resulting from an action taken in compliance with the
20 Seizure-Safe Schools Act. Any employee acting in accordance with
21 the provisions of this act shall be immune from civil liability
22 unless the actions of the employee rise to a level of reckless or
23 intentional misconduct.

1 2. A school nurse shall not be responsible for and shall not be
2 subject to disciplinary action for actions performed by a volunteer.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/31/2021
9 - DO PASS.