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April 4, 2024

ENGROSSED HOUSE  
BILL NO. 3327

By: Roe of the House

and

McCortney and Hicks of the  
Senate

An Act relating to schools; amending 70 O.S. 2021, Sections 1210.196.4 and 1210.196.8, which relate to the Diabetes Management in Schools Act; authorizing certain health professionals to download student glucose monitoring numbers with written permission; providing an exception from monitoring numbers outside of school hours and activities; excluding disciplinary actions; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.196.4,  
is amended to read as follows:

Section 1210.196.4 A. The school nurse at each school in which a student with diabetes is enrolled shall assist the student with the management of their diabetes care as provided for in the diabetes medical management plan for the student.

B. If a school does not have a school nurse assigned to the school, the principal shall make an effort to seek school employees who may or may not be health care professionals to serve as

1 volunteer diabetes care assistants to assist the student with the  
2 management of their diabetes care as provided for in the diabetes  
3 medical management plan for the student.

4 C. Each school in which a student with diabetes is enrolled  
5 shall make an effort to ensure that a school nurse or a volunteer  
6 diabetes care assistant is available at the school to assist the  
7 diabetic student when needed.

8 D. A school employee shall not be subject to any penalty or  
9 disciplinary action for refusing to serve as a volunteer diabetes  
10 care assistant.

11 E. A school district shall not restrict the assignment of a  
12 student with diabetes to a particular school site based on the  
13 presence of a school nurse, contract school employee, or a volunteer  
14 diabetes care assistant.

15 F. Each school nurse and volunteer diabetes care assistant  
16 shall at all times have access to a physician.

17 G. For students with continuous glucose monitoring with  
18 electronic access to glucose numbers, a school nurse, diabetes care  
19 assistant, or other school staff may download the necessary  
20 electronic applications or software to a school electronic device or  
21 their personal electronic device, in the absence of a school-  
22 provided device, with written permission from the student's parent  
23 or guardian.  
24

SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.196.8,  
is amended to read as follows:

Section 1210.196.8 A. A school employee may not be subject to  
any disciplinary proceeding resulting from an action taken in  
compliance with the Diabetes Management in Schools Act. Any  
employee acting in accordance with the provisions of the act shall  
be immune from civil liability unless the actions of the employee  
rise to a level of reckless or intentional misconduct.

B. A school nurse shall not be responsible for and shall not be  
subject to disciplinary action for actions performed by a volunteer  
diabetes care assistant.

C. A school nurse, diabetes care assistant, or other school  
staff shall not be responsible for and shall not be subject to  
disciplinary action for lack of any monitoring of electronic glucose  
numbers outside of school hours or school-sponsored activities.

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

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
April 4, 2024 - DO PASS