

An Act

ENROLLED HOUSE
BILL NO. 2047

By: Stinson, Archer, Roe, and
Miller of the House

and

Hines of the Senate

An Act relating to schools; creating the Emerson Kate Cole Act; amending 70 O.S. 2021, Section 1-116.3, which relates to school medication policies; eliminating references to epinephrine injectors; eliminating reference to certain training program; modifying certain policy provisions regarding parent permissions; requiring school to call 911 if Epinephrine is administered to a student; mandating school to notify parent if student experiences possible allergic reaction; requiring school districts to use model policies; requiring annual training for certain teachers and school employees; prescribing content and method for training; and providing for noncodification.

SUBJECT: Schools

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Emerson Kate Cole Act".

SECTION 2. AMENDATORY 70 O.S. 2021, Section 1-116.3, is amended to read as follows:

Section 1-116.3. A. Notwithstanding the provisions of Section 1-116.2 of this title, the board of education of each school district shall adopt a policy on or before September 1, 2008, that permits the self-administration of inhaled asthma medication by a

student for treatment of asthma, the self-administration of anaphylaxis medication by a student for treatment of anaphylaxis and the self-administration of replacement pancreatic enzymes by a student for treatment of cystic fibrosis. The policy shall require:

1. The parent or guardian of the student to authorize in writing the student's self-administration of medication;

2. The parent or guardian of the student to provide to the school a written statement from the physician treating the student that the student has asthma, anaphylaxis or cystic fibrosis and is capable of, and has been instructed in the proper method of, self-administration of medication;

3. The parent or guardian of the student to provide to the school an emergency supply of the student's medication to be administered pursuant to the provisions of Section 1-116.2 of this title;

4. The school district to inform the parent or guardian of the student, in writing, that the school district and its employees and agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student; and

5. The parent or guardian of the student to sign a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the student.

B. The school board of each school district that elects to stock Epinephrine ~~injectors~~ or inhalers shall amend the policy identified in subsection A of this section.

1. The amended policy for Epinephrine ~~injectors~~ shall require:

- a. the school district to inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional or trained ~~in correlation with the State Department of Health's Diabetes Management Annual School Training Program~~ pursuant to subsection G of this section may administer, ~~with parent or guardian permission but without a health care provider order, an~~ Epinephrine ~~injection~~ to a student whom the school nurse or

trained school employee in good faith believes is having an anaphylactic reaction,

- b. a waiver of liability executed by a parent or guardian be on file with the school district prior to the administration of ~~an~~ Epinephrine ~~injection~~ pursuant to paragraph 1 of this subsection, and
- c. the school district to designate the employee responsible for obtaining the Epinephrine ~~injectors~~ at each school site.

2. The amended policy for inhalers shall require:

- a. the school district to inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional may administer an inhaler to a student whom the school nurse or trained school employee in good faith believes is having respiratory distress,
- b. the school district to designate the employee responsible for obtaining the inhalers and spacers or holding chambers at each school site, and
- c. the school district to notify the parent or guardian of a student after administration of an inhaler.

C. The school district and its employees and agents shall incur no liability as a result of any injury arising pursuant to the discharge or nondischarge of the powers provided for pursuant to subparagraph a of paragraphs 1 and 2 of subsection B of this section.

D. A licensed physician who has prescriptive authority may write a prescription for Epinephrine ~~injectors~~ and inhalers and spacers or holding chambers to the school district in the name of the district as a body corporate specified in Section 5-105 of this title which shall be maintained at each school site. Such physician shall incur no liability as a result of any injury arising from the use of ~~the~~ Epinephrine ~~injectors~~ or the inhalers and spacers or holding chambers.

E. The school district may maintain at each school a minimum of two Epinephrine ~~injectors~~ devices and two inhalers with spacers or

holding chambers in a secure location. Provided, however, that nothing in this section shall be construed as creating or imposing a duty on a school district to maintain Epinephrine injectors or inhalers with spacers or holding chambers at a school site or sites.

F. In the event a student is believed to be having an anaphylactic reaction or respiratory distress, a school employee shall contact 911 as soon as possible. If Epinephrine is administered to a student, a school employee shall contact 911 as soon as possible. The school district shall notify the parent or guardian of any student who experiences a possible allergic reaction as soon as possible.

G. The State Board of Education, in consultation with the State Board of Health, shall develop model policies which school districts ~~may~~ shall use in compliance with this section. The model policies shall include, at a minimum, required annual training for teachers and school employees who are directly responsible for students on the topics of food allergies, recognizing anaphylaxis, and instruction on how to administer Epinephrine. The training shall be completed before the school year begins or upon hiring the teacher or school employee. Documentation certifying completion of the required training shall be retained in the personnel file of the teacher or school employee. The training may be provided online or in person by the school nurse or a recognized food allergy and anaphylaxis training program.

H. The State Board of Education, in consultation with the State Board of Health, shall promulgate rules to implement this section.

I. As used in this section:

1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label, an anaphylaxis medication used to treat anaphylaxis including but not limited to Epinephrine ~~injectors~~ prescribed by a physician and having an individual label, or replacement pancreatic enzymes prescribed by a physician and having an individual label; ~~and~~

2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician;~~;~~

3. "Respiratory distress" means the perceived or actual presence of coughing, wheezing or shortness of breath; and

4. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

J. The permission for self-administration of asthma, anaphylaxis or replacement pancreatic enzyme medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section.

K. A student who is permitted to self-administer asthma, anaphylaxis or replacement pancreatic enzyme medication pursuant to this section shall be permitted to possess and use a prescribed inhaler, anaphylaxis medication including but not limited to ~~an~~ Epinephrine ~~injector~~, or replacement pancreatic enzyme medication at all times.

Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 6th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
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