

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2047 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Preston Stinson

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2047

By: Stinson of the House

and

Hines of the Senate

7
8
9 FLOOR SUBSTITUTE

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

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

3 Section 1-116.3. A. Notwithstanding the provisions of Section
4 1-116.2 of this title, the board of education of each school
5 district shall adopt a policy on or before September 1, 2008, that
6 permits the self-administration of inhaled asthma medication by a
7 student for treatment of asthma, the self-administration of
8 anaphylaxis medication by a student for treatment of anaphylaxis and
9 the self-administration of replacement pancreatic enzymes by a
10 student for treatment of cystic fibrosis. The policy shall require:

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

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

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

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

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

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

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

11 a. the school district to inform the parent or guardian
12 of each student, in writing, that a school nurse or
13 school employee trained by a health care professional
14 or trained ~~in correlation with the State Department of~~
15 ~~Health's Diabetes Management Annual School Training~~
16 ~~Program~~ pursuant to subsection G of this section may
17 administer, ~~with parent or guardian permission but~~
18 ~~without a health care provider order,~~ an Epinephrine
19 ~~injection~~ to a student whom the school nurse or
20 trained school employee in good faith believes is
21 having an anaphylactic reaction,

22 b. a waiver of liability executed by a parent or guardian
23 be on file with the school district prior to the
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1 administration of ~~an~~ Epinephrine ~~injection~~ pursuant to
2 paragraph 1 of this subsection, and

- 3 c. the school district to designate the employee
4 responsible for obtaining the Epinephrine ~~injectors~~ at
5 each school site.

6 2. The amended policy for inhalers shall require:

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

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

23 D. A licensed physician who has prescriptive authority may
24 write a prescription for Epinephrine ~~injectors~~ and inhalers and

1 spacers or holding chambers to the school district in the name of
2 the district as a body corporate specified in Section 5-105 of this
3 title which shall be maintained at each school site. Such physician
4 shall incur no liability as a result of any injury arising from the
5 use of ~~the Epinephrine injectors~~ or the inhalers and spacers or
6 holding chambers.

7 E. The school district may maintain at each school a minimum of
8 two Epinephrine ~~injectors~~ devices and two inhalers with spacers or
9 holding chambers in a secure location. Provided, however, that
10 nothing in this section shall be construed as creating or imposing a
11 duty on a school district to maintain Epinephrine injectors or
12 inhalers with spacers or holding chambers at a school site or sites.

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

20 G. The State Board of Education, in consultation with the State
21 Board of Health, shall develop model policies which school districts
22 ~~may~~ shall use in compliance with this section. The model policies
23 shall include, at a minimum, required annual training for teachers
24 and school employees who are directly responsible for students on

1 the topics of food allergies, recognizing anaphylaxis, and
2 instruction on how to administer Epinephrine. The training shall be
3 completed before the school year begins or upon hiring the teacher
4 or school employee. Documentation certifying completion of the
5 required training shall be retained in the personnel file of the
6 teacher or school employee. The training may be provided online or
7 in person by the school nurse or a recognized food allergy and
8 anaphylaxis training program.

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

11 I. As used in this section:

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

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

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

23 4. "Inhaler" means a device that delivers a bronchodilator to
24 alleviate symptoms of respiratory distress that is manufactured in

1 the form of a metered-dose inhaler or dry-powder inhaler and that
2 may include a spacer or holding chamber that attaches to the inhaler
3 to improve the delivery of the bronchodilator.

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

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

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