

**SENATE BILL No. 328**

By Committee on Public Health and Welfare

1-14

1 AN ACT concerning health and healthcare; relating to regulation of  
2 pharmacists; permitting a pharmacist to distribute epinephrine delivery  
3 systems to a school for emergency medication kits; amending  
4 definitions related to medication in schools to allow for use of  
5 epinephrine delivery systems; amending K.S.A. 72-6282 and K.S.A.  
6 2025 Supp. 65-1680 and 72-6283 and repealing the existing sections.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2025 Supp. 65-1680 is hereby amended to read as  
10 follows: 65-1680. (a) A pharmacist may distribute a stock supply of  
11 standard-dose and pediatric-dose epinephrine ~~auto-injectors~~ *delivery*  
12 *systems* to a school pursuant to a prescription made pursuant to K.S.A. 72-  
13 6283, and amendments thereto, from a physician or mid-level practitioner  
14 in the name of the school. A pharmacist who distributes a stock supply of  
15 standard-dose or pediatric-dose epinephrine ~~auto-injectors~~ *delivery*  
16 *systems* to a school shall not be liable for civil damages resulting from the  
17 administration of such medication pursuant to this section, K.S.A. 65-  
18 2872b or 72-6283, and amendments thereto.

19 (b) A pharmacist may distribute a stock supply of albuterol metered-  
20 dose inhalers, albuterol solution and spacers to a school pursuant to a  
21 prescription made pursuant to K.S.A. 72-6283, and amendments thereto,  
22 from a physician or mid-level practitioner in the name of the school. A  
23 pharmacist who distributes a stock supply of albuterol metered-dose  
24 inhalers, albuterol solution or spacers to a school shall not be liable for  
25 civil damages resulting from the administration of such medication  
26 pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments  
27 thereto.

28 (c) The terms used in this section mean the same as defined in K.S.A.  
29 72-6283, and amendments thereto.

30 Sec. 2. K.S.A. 72-6282 is hereby amended to read as follows: 72-  
31 6282. (a) As used in this section:

32 (1) "Medication" means a medicine prescribed by a ~~health care~~  
33 *healthcare* provider for the treatment of anaphylaxis or asthma, including,  
34 but not limited to, any medicine defined in section 201 of the federal food,  
35 drug and cosmetic act, inhaled bronchodilators and ~~auto-injectible~~  
36 *epinephrine delivery systems*.

1 (2) "~~Health care~~Healthcare provider" means:

2 (A) A physician licensed *by the state board of healing arts* to practice  
3 medicine and surgery; *or*

4 (B) ~~an advanced practice registered nurse issued a license pursuant to~~  
5 ~~K.S.A. 65-1131, and amendments thereto, who has authority to prescribe~~  
6 ~~drugs as provided by K.S.A. 65-1130, and amendments thereto; or (C) a~~  
7 ~~physician assistant licensed pursuant to the physician assistant licensure~~  
8 ~~act who has authority to prescribe drugs prior to January 11, 2016,~~  
9 ~~pursuant to a written protocol with a responsible physician under K.S.A.~~  
10 ~~65-28a08, and amendments thereto, and on and after January 11, 2016,~~  
11 ~~pursuant to a written agreement with a supervising physician under K.S.A.~~  
12 ~~65-28a08, and amendments thereto~~ *a mid-level practitioner as such term*  
13 *is defined in K.S.A. 65-1626, and amendments thereto.*

14 (3) "School" means any public or accredited nonpublic school.

15 (4) "Self-administration" means a student's discretionary use of such  
16 student's medication pursuant to a prescription or written direction from a  
17 ~~health care~~ *healthcare* provider.

18 (b) Each school district shall adopt a policy authorizing the self-  
19 administration of medication by students enrolled in kindergarten or any of  
20 the grades one through 12. A student shall meet all requirements of a  
21 policy adopted pursuant to this subsection. Such policy shall include:

22 (1) A requirement of a written statement from the student's ~~health~~  
23 ~~care~~ *healthcare* provider stating the name and purpose of the medication;  
24 the prescribed dosage; the time the medication is to be regularly  
25 administered, ~~and~~ any additional special circumstances under which the  
26 medication is to be administered; and the length of time for which the  
27 medication is prescribed;

28 (2) a requirement that the student has demonstrated to the ~~health care~~  
29 *healthcare* provider or such provider's designee and the school nurse or  
30 such nurse's designee the skill level necessary to use the medication and  
31 any device that is necessary to administer such medication as prescribed. If  
32 there is no school nurse, the school shall designate a person for the  
33 purposes of this subsection;

34 (3) a requirement that the ~~health care~~ *healthcare* provider has  
35 prepared a written treatment plan for managing asthma or anaphylaxis  
36 episodes of the student and for medication use by the student during  
37 school hours;

38 (4) a requirement that the student's parent or guardian has completed  
39 and submitted to the school any written documentation required by the  
40 school, including the treatment plan prepared as required by paragraph (3)  
41 and documents related to liability;

42 (5) a requirement that all teachers responsible for the student's  
43 supervision shall be notified that permission to carry medications and self-

1 medicate has been granted; and

2 (6) any other requirement imposed by the school district pursuant to  
3 this section and K.S.A. 72-1138(e), and amendments thereto.

4 (c) A school district shall require annual renewal of parental  
5 authorization for the self-administration of medication.

6 (d) A school district, and its officers, employees and agents, ~~which~~  
7 *that* authorizes the self-administration of medication in compliance with  
8 the provisions of this section shall not be held liable in any action for  
9 damage, injury or death resulting directly or indirectly from the self-  
10 administration of medication.

11 (e) A school district shall provide written notification to the parent or  
12 guardian of a student that the school district and its officers, employees  
13 and agents are not liable for damage, injury or death resulting directly or  
14 indirectly from the self-administration of medication. The parent or  
15 guardian of the student shall sign a statement acknowledging that the  
16 school district and its officers, employees or agents incur no liability for  
17 damage, injury or death resulting directly or indirectly from the self-  
18 administration of medication and agreeing to release, indemnify and hold  
19 the school and its officers, employees and agents; harmless from and  
20 against any claims relating to the self-administration of such medication.

21 (f) A school district shall require that any back-up medication  
22 provided by the student's parent or guardian be kept at the student's school  
23 in a location to which the student has immediate access in the event of an  
24 asthma or anaphylaxis emergency.

25 (g) A school district shall require that information described in  
26 subsection (b)(3) and (4) be kept on file at the student's school in a  
27 location easily accessible in the event of an asthma or anaphylaxis  
28 emergency.

29 (h) An authorization granted pursuant to subsection (b) shall allow a  
30 student to possess and use such student's medication at any place where a  
31 student is subject to the jurisdiction or supervision of the school district or  
32 its officers, employees or agents.

33 (i) A board of education may adopt a policy pursuant to K.S.A. 72-  
34 1138(e), and amendments thereto, ~~which that~~.

35 (1) Imposes requirements relating to the self-administration of  
36 medication ~~which that~~ are in addition to those required by this section; and

37 (2) establishes a procedure for; and the conditions under which; the  
38 authorization for the self-administration of medication may be revoked.

39 Sec. 3. K.S.A. 2025 Supp. 72-6283 is hereby amended to read as  
40 follows: 72-6283. (a) As used in this section, K.S.A. 65-1680 and 65-  
41 2872b, and amendments thereto:

42 (1) "Albuterol" means a short-acting beta-2 agonist-inhaled  
43 medication, otherwise known as a bronchodilator, that is prescribed by a

- 1 physician or mid-level practitioner for the treatment of respiratory distress.
- 2 (2) "Albuterol metered-dose inhaler" means a portable drug delivery  
3 system containing a canister of multiple premeasured doses of albuterol in  
4 a device actuator.
- 5 (3) "Albuterol solution" means a liquid form of albuterol for use with  
6 a nebulizer.
- 7 (4) "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe  
8 and potentially life-threatening multi-system allergic reaction.
- 9 (5) "Designated school personnel" means an employee, officer, agent  
10 or volunteer of a school who has completed training, documented by the  
11 school nurse, a physician or a mid-level practitioner, to administer  
12 emergency medication on a voluntary basis outside of the scope of  
13 employment.
- 14 (6) "Emergency medication" means epinephrine or albuterol.
- 15 (7) "Epinephrine" means a medication prescribed by a physician or  
16 mid-level practitioner for the emergency treatment of anaphylaxis prior to  
17 the arrival of emergency medical system responders.
- 18 (8) "~~Epinephrine auto-injector~~ *delivery system*" means a device that  
19 ~~automatically injects~~ *is approved by the federal food and drug*  
20 *administration, contains a premeasured dose of epinephrine and is used to*  
21 *administer epinephrine into the human body.*
- 22 (9) "Mid-level practitioner" means the same as ~~such term~~ is defined  
23 in K.S.A. 65-1626, and amendments thereto.
- 24 (10) "Nebulizer" means a device that is used to change a liquid  
25 medication to a fine spray of liquid or mist for the administration of the  
26 medication through inhalation.
- 27 (11) "Pharmacist" means the same as ~~such term~~ is defined in K.S.A.  
28 65-1626, and amendments thereto.
- 29 (12) "Physician" means any person licensed by the state board of  
30 healing arts to practice medicine and surgery.
- 31 (13) "Respiratory distress" means impaired ventilation of the  
32 respiratory system or impaired oxygenation of the blood.
- 33 (14) "School" means any school operated by a school district  
34 organized under the laws of this state or any accredited nonpublic school  
35 that provides education to elementary or secondary students.
- 36 (15) "School nurse" means a registered nurse licensed by the board of  
37 nursing to practice nursing in Kansas or a licensed practical nurse working  
38 under a registered nurse who is employed by a school to perform nursing  
39 services in a school setting.
- 40 (16) "Spacer" means a holding chamber that is used to optimize the  
41 delivery of aerolized albuterol from an albuterol metered-dose inhaler.
- 42 (17) "Stock supply" means an appropriate quantity of emergency  
43 medication as recommended by a physician or mid-level practitioner.

1 (b) (1) A school may maintain a stock supply of emergency  
2 medication upon obtaining a prescription from a physician or mid-level  
3 practitioner in the name of the school. A physician or mid-level  
4 practitioner shall review the school's policies and procedures established  
5 pursuant to subsection (c) prior to prescribing such emergency medication.

6 (2) A stock supply of epinephrine may consist of one or more  
7 standard-dose or pediatric-dose epinephrine—~~auto-injectors~~ *delivery*  
8 *systems*. A school nurse or designated school personnel may administer  
9 such epinephrine in an emergency situation to any individual who displays  
10 the signs and symptoms of anaphylaxis at school, on school property or at  
11 a school-sponsored event if such school nurse or designated school  
12 personnel reasonably believes that an individual is exhibiting the signs and  
13 symptoms of an anaphylactic reaction.

14 (3) A stock supply of albuterol may consist of one or more albuterol  
15 metered-dose inhalers, one or more doses of albuterol solution and one or  
16 more spacers or nebulizers. A school nurse or designated school personnel  
17 may administer such albuterol in an emergency situation to any individual  
18 who displays the signs and symptoms of respiratory distress at school, on  
19 school property or at a school-sponsored event if such school nurse or  
20 designated school personnel reasonably believes that an individual is  
21 exhibiting the signs and symptoms of respiratory distress.

22 (c) A school that maintains a stock supply of emergency medication  
23 shall establish school policies and procedures relating to:

24 (1) Storage of the emergency medication, which shall require that the  
25 emergency medication is stored:

26 (A) In a safe location that is readily accessible to the school nurse or  
27 designated school personnel; and

28 (B) in accordance with manufacturer temperature recommendations;

29 (2) periodic monitoring of the inventory and expiration dates of  
30 emergency medication;

31 (3) administration of emergency medication by designated school  
32 personnel; and

33 (4) training requirements for designated school personnel, which shall  
34 be conducted by a school nurse, physician or mid-level practitioner on not  
35 less than on an annual basis for such designated school personnel. Such  
36 training shall include, but not be limited to, the following:

37 (A) Recognition of the symptoms of anaphylaxis and respiratory  
38 distress;

39 (B) administration of emergency medication;

40 (C) calling for emergency medical system responders;

41 (D) monitoring the condition of an individual after emergency  
42 medication has been administered;

43 (E) notification of the parent, guardian or next of kin; and

1 (F) safe disposal and sanitation of used equipment.

2 (d) A school shall publish information related to the school's  
3 emergency medication policies and procedures and shall maintain records  
4 of the training provided to designated school personnel.

5 (e) A school may accept monetary gifts, grants and donations to carry  
6 out the provisions of this section or may accept epinephrine ~~auto-injectors~~  
7 *delivery systems*, albuterol metered-dose inhalers, albuterol solution,  
8 spacers or nebulizers from a manufacturer or wholesaler.

9 Sec. 4. K.S.A. 72-6282 and K.S.A. 2025 Supp. 65-1680 and 72-6283  
10 are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its  
12 publication in the statute book.