

**HOUSE . . . . . No. 2130**

By Representative Kaufman of Lexington and Senator Montigny, joint petition of Jay R. Kaufman and others that the Department of Public Health be directed to promulgate regulations governing the administration of medication to children in schools. Public Health.

**The Commonwealth of Massachusetts**

PETITION OF:

Jay R. Kaufman	Jennifer L. Flanagan
Mark C. Montigny	John D. Keenan
Alice Hanlon Peisch	John W. Scibak
Christine E. Canavan	Kay Khan
Cleon H. Turner	Matthew C. Patrick
David Paul Linsky	Susan C. Fargo
Denise Provost	William N. Brownsberger
Gale D. Candaras	Patricia D. Jehlen
J. James Marzilli, Jr.	Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ACCESS TO EPINEPHRINE IN SCHOOLS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 71 of the General Laws is hereby amended by striking
- 2 out section 54B, as appearing in the 2004 Official Edition, and
- 3 inserting in place thereof the following section:—
- 4 Section 54B. Notwithstanding any general or special law to the
- 5 contrary, the department of public health shall promulgate regula-
- 6 tions governing the administration of medications, including psy-
- 7 chotropic medications to children in school settings, in accordance
- 8 with sections seven and nine of chapter ninety-four C. In developing
- 9 such regulations, the department shall consult with the board of reg-
- 10 istration in nursing and the board of registration in medicine.
- 11 Notwithstanding any general or special law or regulation to the
- 12 contrary, no school district shall prohibit students with asthma or
- 13 other respiratory diseases from possessing and administering pre-

14 scription inhalers or students with life-threatening allergies from  
15 possessing and administering epinephrine in accordance with depart-  
16 ment of public health regulations concerning students' self-adminis-  
17 tration of prescription medications.

18 A school district must allow storage of epinephrine in a secure but  
19 unlocked place, as determined by the school nurse, accessible only  
20 to authorized persons, located in every part of the school grounds  
21 where an allergic student is most at risk such as classrooms and  
22 lunchrooms.

23 Notwithstanding any general or special law or regulation to the  
24 contrary, no school district shall prohibit students with cystic fibrosis  
25 from possessing and administering prescription enzyme supplements  
26 in accordance with department of public health regulations con-  
27 cerning students' self-administration of prescription medications.

28 Notwithstanding any general or special law or regulation to the  
29 contrary, no school district shall prohibit a student with diabetes  
30 from possessing and administering a glucose monitoring test and  
31 insulin delivery system, in accordance with department of public  
32 health regulations concerning a student's self-administration of a  
33 prescription medication.