

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1043 Session of 2025

INTRODUCED BY VENKAT, CERRATO, GIRAL, KOSIEROWSKI, MARCELL, MIHALEK, SHAFFER, WARNER, MADDEN, HILL-EVANS, KHAN, CAUSER, HANBIDGE, OTTEN, RIVERA, NEILSON, McANDREW, HOHENSTEIN, SANCHEZ, D. WILLIAMS, CEPEDA-FREYTIZ AND STEELE, MARCH 25, 2025

REFERRED TO COMMITTEE ON HEALTH, MARCH 25, 2025

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
 2 act relating to the public school system, including certain  
 3 provisions applicable as well to private and parochial  
 4 schools; amending, revising, consolidating and changing the  
 5 laws relating thereto," in school health services, further  
 6 providing for definitions, for possession and use of asthma  
 7 inhalers and epinephrine auto-injectors, for school access to  
 8 emergency epinephrine and for administration of epinephrine  
 9 auto-injectors by school bus drivers and school crossing  
 10 guards.

11 The General Assembly of the Commonwealth of Pennsylvania  
 12 hereby enacts as follows:

13 Section 1. Section 1401 of the act of March 10, 1949  
 14 (P.L.30, No.14), known as the Public School Code of 1949, is  
 15 amended by adding a definition to read:

16 Section 1401. Definitions.--As used in this article--

17 \* \* \*

18 (17) "Epinephrine delivery system" means a device approved  
 19 by the Federal Food and Drug Administration that contains a  
 20 premeasured dose of epinephrine and is used to administer

1 epinephrine into the human body to prevent or treat a life-  
2 threatening allergic reaction.

3 Section 2. Sections 1414.1 heading, (a) and (b), 1414.2 and  
4 1414.9 of the act are amended to read:

5 Section 1414.1. Possession and Use of Asthma Inhalers and  
6 Epinephrine [Auto-Injectors] Delivery Systems.--(a) Each school  
7 entity shall develop a written policy to allow for the  
8 possession and self-administration by children of school age of  
9 asthma inhalers and epinephrine [auto-injectors] delivery  
10 systems, and the prescribed medication to be administered  
11 thereby, in a school setting. The policy shall comply with  
12 section 504 of the Rehabilitation Act of 1973 (Public Law 93-  
13 112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to  
14 protected handicapped students). The policy shall be distributed  
15 with the code of student conduct required under 22 Pa. Code §  
16 12.3(c) (relating to school rules) and made available on the  
17 school entity's publicly accessible Internet website, if any.

18 (b) The policy under this section shall require a child of  
19 school age that desires to possess and self-administer an asthma  
20 inhaler or epinephrine [auto-injector] delivery system in a  
21 school setting to demonstrate the capability for self-  
22 administration and for responsible behavior in the use thereof  
23 and to notify the school nurse immediately following each use of  
24 an asthma inhaler or epinephrine [auto-injector] delivery  
25 system. The school entity shall develop a system whereby the  
26 child may demonstrate competency to the school nurse that the  
27 child is capable of self-administration and has permission for  
28 carrying and taking the medication through the use of the asthma  
29 inhaler or epinephrine [auto-injector] delivery system.

30 Determination of competency for self-administration shall be

1 based on age, cognitive function, maturity and demonstration of  
2 responsible behavior. The school entity shall also restrict the  
3 availability of the asthma inhaler, the epinephrine [auto-  
4 injector] delivery system and the prescribed medication  
5 contained therein from other children of school age. The policy  
6 shall specify conditions under which a student may lose the  
7 privilege to self-carry the asthma inhaler, the epinephrine  
8 [auto-injector] delivery system and the medication if the school  
9 policies are abused or ignored. A school entity that prevents a  
10 student from self-carrying an asthma inhaler or epinephrine  
11 [auto-injector] delivery system and the prescribed medication  
12 shall ensure that they are appropriately stored at locations in  
13 close proximity to the student prohibited from self-carrying and  
14 notify the student's classroom teachers of the places where the  
15 asthma inhaler or epinephrine [auto-injector] delivery system  
16 and medication are to be stored and the means to access them.

17 \* \* \*

18 Section 1414.2. School Access to Emergency Epinephrine.--(a)  
19 Subject to subsection (g), a school entity or nonpublic school  
20 may authorize a trained school employe to:

21 (1) provide an epinephrine [auto-injector] delivery system  
22 that meets the prescription on file for either the individual  
23 student or the school entity or nonpublic school to a student  
24 who is authorized to self-administer an epinephrine [auto-  
25 injector] delivery system;

26 (2) administer to a student an epinephrine [auto-injector]  
27 delivery system that meets the prescription on file for either  
28 the individual student or the school entity or nonpublic school;  
29 and

30 (3) administer an epinephrine [auto-injector] delivery

1 system that meets the prescription on file for the school entity  
2 or nonpublic school to a student that the employe in good faith  
3 believes to be having an anaphylactic reaction.

4 (b) Notwithstanding section 11 of the act of April 14, 1972  
5 (P.L.233, No.64), known as "The Controlled Substance, Drug,  
6 Device and Cosmetic Act," a physician or certified registered  
7 nurse practitioner may prescribe epinephrine [auto-injectors]  
8 delivery systems in the name of the school entity or nonpublic  
9 school to be maintained for use pursuant to subsection (a).

10 (c) A school entity or nonpublic school may maintain at a  
11 school in a safe, secure location a supply of epinephrine [auto-  
12 injectors] delivery systems.

13 (d) A school entity or nonpublic school that authorizes the  
14 provision of epinephrine [auto-injectors] delivery systems under  
15 this section shall designate one or more individuals at each  
16 school who shall be responsible for the storage and use of the  
17 epinephrine [auto-injectors] delivery systems.

18 (e) Individuals who are responsible for the storage and use  
19 of epinephrine [auto-injectors] delivery systems must  
20 successfully complete a training program that shall be developed  
21 and implemented by the Department of Health within ninety (90)  
22 days of the effective date of this section.

23 (f) (1) An epinephrine [auto-injector] delivery system from  
24 the school entity's or nonpublic school's supply of epinephrine  
25 [auto-injectors] delivery systems that meets the prescription on  
26 file for the school entity or nonpublic school may be provided  
27 to and utilized by a student authorized to self-administer or  
28 may be administered by a trained school employe authorized to  
29 administer an epinephrine [auto-injector] delivery system to a  
30 student pursuant to subsection (a).

1 (2) When a student does not have an epinephrine [auto-  
2 injector] delivery system or a prescription for an epinephrine  
3 [auto-injector] delivery system on file, a trained school  
4 employe may utilize the school entity's or nonpublic school's  
5 supply of epinephrine [auto-injectors] delivery systems to  
6 respond to anaphylactic reaction under a standing protocol from  
7 a physician or certified registered nurse practitioner and as  
8 provided in this section.

9 (f.1) In the event a student is believed to be having an  
10 anaphylactic reaction, the school nurse or an individual in the  
11 school who is responsible for the storage and use of epinephrine  
12 [auto-injectors] delivery systems shall contact 911 as soon as  
13 possible.

14 (g) At the request of a parent or legal guardian, a student  
15 shall be exempt from subsections (a), (f) and (h). The principal  
16 of the school in which the student is enrolled shall notify all  
17 parents or legal guardians of their ability to exempt their  
18 children from subsections (a), (f) and (h) by returning a signed  
19 opt-out form.

20 (h) The provisions of 42 Pa.C.S. §§ 8332 (relating to  
21 emergency response provider and bystander good Samaritan civil  
22 immunity) and 8337.1 (relating to civil immunity of school  
23 officers or employees relating to emergency care, first aid and  
24 rescue) shall apply to a person who administers an epinephrine  
25 [auto-injector] delivery system pursuant to this section.

26 (i) Administration of an epinephrine [auto-injector]  
27 delivery system under this section shall comply with section 504  
28 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C.  
29 § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped  
30 students).

1 (j) As used in this section, "school entity" means a school  
2 district, intermediate unit, charter school, cyber charter  
3 school, regional charter school or area career and technical  
4 school.

5 Section 1414.9. Administration of Epinephrine [Auto-  
6 injectors] Delivery Systems by School Bus Drivers and School  
7 Crossing Guards.--The provisions of 42 Pa.C.S. §§ 8332 (relating  
8 to emergency response provider and bystander good Samaritan  
9 civil immunity) and 8337.1 (relating to civil immunity of school  
10 officers or employees relating to emergency care, first aid and  
11 rescue) shall apply to a school bus driver and a school crossing  
12 guard when all of the following apply:

13 (1) The school bus driver or school crossing guard  
14 administers an epinephrine [auto-injector] delivery system to a  
15 student in a manner consistent with the policies established by  
16 all of the following:

17 (i) the independent contractor that employs the school bus  
18 driver or school crossing guard, if the school bus driver or  
19 school crossing guard is employed by an independent contractor;

20 (ii) the school entity that has contracted with the  
21 independent contractor, if the school bus driver or school  
22 crossing guard is employed by an independent contractor; and

23 (iii) the school entity that employs the school bus driver  
24 or school crossing guard, if the school bus driver or school  
25 crossing guard is employed by a school entity.

26 (2) The school bus driver or school crossing guard has  
27 successfully completed a training program that shall be  
28 developed and implemented by the Department of Health. The  
29 Department of Health shall have ninety (90) days from the  
30 effective date of this section to develop and implement such a

1 training program.

2 Section 3. This act shall take effect in 60 days.