

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2117 Session of 2026

INTRODUCED BY HILL-EVANS, WAXMAN, GUZMAN, GUENST, PROBST, KHAN, BRENNAN, PARKER, MAYES, SANCHEZ, HOWARD, OTTEN, INGLIS, CERRATO, MADDEN, CIRESI, CEPEDA-FREYTIZ, WARREN, PIELLI, DALEY, SMITH-WADE-EL AND SHAFFER, JANUARY 7, 2026

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 2, 2026

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 clauses to read:

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

17 * * *

18 (17) "Epinephrine delivery system" means a device approved
19 by the United States Food and Drug Administration that contains
20 a 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 (18) "Short-acting asthma medication" means any medication
4 approved by the United States Food and Drug Administration,
5 including a beta-2 agonist or bronchodilator, used for the quick
6 relief of asthma symptoms, including:

7 (i) an orally inhaled medication that contains a premeasured
8 single dose of albuterol or albuterol sulfate delivered by a
9 nebulizer compressor device; and

10 (ii) a pressurized, metered-dose inhaler used to treat
11 asthma or respiratory distress, including wheezing, shortness of
12 breath and difficulty breathing.

13 Section 2. Sections 1414.1 heading, (a) and (b), 1414.2 and
14 1414.9 heading and (1) introductory paragraph of the act are
15 amended to read:

16 Section 1414.1. Possession and Use of [Asthma Inhalers]
17 Short-Acting Asthma Medications and Epinephrine [Auto-Injectors]
18 Delivery Systems.--(a) Each school entity shall develop a
19 written policy to allow for the possession and self-
20 administration by children of school age of [asthma inhalers]
21 short-acting asthma medications and epinephrine [auto-injectors]
22 delivery systems, and the prescribed medication to be
23 administered thereby, in a school setting. The policy shall
24 comply with section 504 of the Rehabilitation Act of 1973
25 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15
26 (relating to protected handicapped students). The policy shall
27 be distributed with the code of student conduct required under
28 22 Pa. Code § 12.3(c) (relating to school rules) and made
29 available on the school entity's publicly accessible Internet
30 website, if any.

1 (b) The policy under this section shall require a child of
2 school age that desires to possess and self-administer [an
3 asthma inhaler] a short-acting asthma medication or epinephrine
4 [auto-injector] delivery system in a school setting to
5 demonstrate the capability for self-administration and for
6 responsible behavior in the use thereof and to notify the school
7 nurse immediately following each use of [an asthma inhaler] a
8 short-acting asthma medication or epinephrine [auto-injector]
9 delivery system. The school entity shall develop a system
10 whereby the child may demonstrate competency to the school nurse
11 that the child is capable of self-administration and has
12 permission for carrying and taking the medication through the
13 use of the [asthma inhaler] short-acting asthma medication or
14 epinephrine [auto-injector] delivery system. Determination of
15 competency for self-administration shall be based on age,
16 cognitive function, maturity and demonstration of responsible
17 behavior. The school entity shall also restrict the availability
18 of the [asthma inhaler] short-acting asthma medication, the
19 epinephrine [auto-injector] delivery system and the prescribed
20 medication contained therein from other children of school age.
21 The policy shall specify conditions under which a student may
22 lose the privilege to self-carry the [asthma inhaler] short-
23 acting asthma medication, the epinephrine [auto-injector]
24 delivery system and the medication if the school policies are
25 abused or ignored. A school entity that prevents a student from
26 self-carrying [an asthma inhaler] a short-acting asthma
27 medication or epinephrine [auto-injector] delivery system and
28 the prescribed medication shall ensure that they are
29 appropriately stored at locations in close proximity to the
30 student prohibited from self-carrying and notify the student's

1 classroom teachers of the places where the [asthma inhaler]
2 short-acting asthma medication or epinephrine [auto-injector]
3 delivery system and medication are to be stored and the means to
4 access them.

5 * * *

6 Section 1414.2. School Access to Emergency Epinephrine and
7 Short-Acting Asthma Medications.--(a) Subject to [subsection
8 (g)] subsections (g) and (h.1), a school entity or nonpublic
9 school may authorize a trained school employe to:

10 (1) provide an epinephrine [auto-injector] delivery system
11 or short-acting asthma medication that meets the prescription on
12 file for either the individual student or the school entity or
13 nonpublic school to a student who is authorized to self-
14 administer an epinephrine [auto-injector] delivery system or
15 short-acting asthma medication;

16 (2) administer to a student an epinephrine [auto-injector]
17 delivery system or short-acting asthma medication that meets the
18 prescription on file for either the individual student or the
19 school entity or nonpublic school; and

20 (3) administer an epinephrine [auto-injector] delivery
21 system or short-acting asthma medication that meets the
22 prescription on file for the school entity or nonpublic school
23 to a student that the employe in good faith believes to be
24 having an anaphylactic reaction or asthma episode.

25 (b) Notwithstanding section 11 of the act of April 14, 1972
26 (P.L.233, No.64), known as "The Controlled Substance, Drug,
27 Device and Cosmetic Act," a physician or certified registered
28 nurse practitioner may prescribe epinephrine [auto-injectors]
29 delivery systems or short-acting asthma medications and a
30 pharmacist may dispense epinephrine delivery systems or short-

1 acting asthma medications in the name of the school entity or
2 nonpublic school to be maintained for use pursuant to subsection
3 (a).

4 (b.1) A physician or nurse practitioner who prescribes
5 epinephrine delivery systems or short-acting asthma medications
6 or a pharmacist who dispenses epinephrine delivery systems or
7 short-acting asthma medications under subsection (b) shall not
8 be liable for any civil damages as a result of its use under
9 subsection (a), except in any act or omission intentionally
10 designed to harm or any grossly negligent acts or omissions by
11 the physician, nurse practitioner or a pharmacist which results
12 in harm to a student.

13 (c) A school entity or nonpublic school may maintain at a
14 school in a safe, secure location a supply of epinephrine [auto-
15 injectors] delivery systems or short-acting asthma medications.

16 (d) A school entity or nonpublic school that authorizes the
17 provision of epinephrine [auto-injectors] delivery systems or
18 short-acting asthma medications under this section shall
19 designate one or more individuals at each school who shall be
20 responsible for the storage and use of the epinephrine [auto-
21 injectors] delivery systems or short-acting asthma medications.

22 (e) [Individuals] Subject to subsection (h.1), individuals
23 who are responsible for the storage and use of epinephrine
24 [auto-injectors] delivery systems or short-acting asthma
25 medications must successfully complete [a training program that <--
26 shall be developed and implemented by the Department of Health
27 within ninety (90) days of the effective date of this section] <--
28 AN ONLINE COURSE OF INSTRUCTION OR IN-PERSON TRAINING APPROVED
29 BY THE DEPARTMENT OF HEALTH.

30 (f) (1) An epinephrine [auto-injector] delivery system or

1 short-acting asthma medication from the school entity's or
2 nonpublic school's supply of epinephrine [auto-injectors]
3 delivery systems or short-acting asthma medications that meets
4 the prescription on file for the school entity or nonpublic
5 school may be provided to and utilized by a student authorized
6 to self-administer or, subject to subsection (h.1), may be
7 administered by a trained school employe authorized to
8 administer an epinephrine [auto-injector] delivery system or
9 short-acting asthma medication to a student pursuant to
10 subsection (a).

11 (2) [When] Subject to subsection (h.1), when a student does
12 not have an epinephrine [auto-injector] delivery system or
13 short-acting asthma medication or a prescription for an
14 epinephrine [auto-injector] delivery system or short-acting
15 asthma medication on file, a trained school employe may utilize
16 the school entity's or nonpublic school's supply of epinephrine
17 [auto-injectors] delivery systems or short-acting asthma
18 medications to respond to anaphylactic reaction or asthma
19 episode under a standing protocol from a physician or certified
20 registered nurse practitioner and as provided in this section.

21 (f.1) In the event a student is believed to be having an
22 anaphylactic reaction or asthma episode, the school nurse or an
23 individual in the school who is responsible for the storage and
24 use of epinephrine [auto-injectors] delivery systems or short-
25 acting asthma medications shall contact 911 as soon as possible.

26 (g) At the request of a parent or legal guardian, a student
27 shall be exempt from subsections (a), (f) and (h). The principal
28 of the school in which the student is enrolled shall notify all
29 parents or legal guardians of their ability to exempt their
30 children from subsections (a), (f) and (h) by returning a signed

1 opt-out form.

2 (h) The provisions of 42 Pa.C.S. §§ 8332 (relating to
3 emergency response provider and bystander good Samaritan civil
4 immunity) and 8337.1 (relating to civil immunity of school
5 officers or employees relating to emergency care, first aid and
6 rescue) shall apply to a person who administers an epinephrine
7 [auto-injector] delivery system or short-acting asthma
8 medication pursuant to this section.

9 (h.1) The following shall apply:

10 (1) A school employe who is not a licensed health care
11 practitioner shall not provide or administer short-acting asthma
12 medication to a student who does not have an asthma diagnosis.

13 (2) A school employe who is not a licensed health care
14 practitioner may decline to be designated by a school entity as
15 an employe responsible for storing, providing or administering
16 short-acting asthma medication.

17 (3) If a school employe who is not a licensed health care
18 practitioner agrees to be designated by a school entity as an
19 employe responsible for storing, providing or administering
20 short-acting asthma medication under subsection (a), the employe
21 shall receive biennial training, including storing, providing
22 and administering short-acting asthma medication and recognizing
23 when a student may be having an asthma episode. The training
24 shall be conducted during the employe's paid working hours or,
25 if the training is conducted outside the employe's paid working
26 hours, the employe shall be paid for participating in the
27 training.

28 (4) A school employe who is not a licensed health care
29 practitioner shall not provide or administer short-acting asthma
30 medication as defined in section 1401(18) (i) to a student.

1 (i) Administration of an epinephrine [auto-injector]
2 delivery system or short-acting asthma medication under this
3 section shall comply with section 504 of the Rehabilitation Act
4 of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch.
5 15 (relating to protected handicapped students).

6 (j) As used in this section, "school entity" means a school
7 district, intermediate unit, charter school, cyber charter
8 school, regional charter school or area career and technical
9 school.

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

19 (1) The school bus driver or school crossing guard
20 administers an epinephrine [auto-injector] delivery system or
21 short-acting asthma medication to a student in a manner
22 consistent with the policies established by all of the
23 following:

24 * * *

25 Section 3. This act shall take effect in 90 days.