**South Carolina General Assembly**

125th Session, 2023-2024

**A47, R57, H4122**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell

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Introduced in the House on March 9, 2023

Introduced in the Senate on April 11, 2023

Currently residing in the House

Summary: Administration of lifesaving medication in schools

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/9/2023 House Introduced and read first time (House Journal‑page 16)

 3/9/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 16)

 3/29/2023 House Member(s) request name added as sponsor: Chapman

 4/5/2023 House Recalled from Committee on **Education and Public Works** (House Journal‑page 137)

 4/6/2023 House Member(s) request name added as sponsor: Blackwell

 4/6/2023 House Read second time (House Journal‑page 32)

 4/6/2023 House Roll call Yeas-105 Nays-0 (House Journal‑page 32)

 4/6/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 33)

 4/7/2023 House Read third time and sent to Senate (House Journal‑page 1)

 4/11/2023 Senate Introduced and read first time (Senate Journal‑page 10)

 4/11/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 10)

 5/3/2023 Senate Polled out of committee **Education** (Senate Journal‑page 13)

 5/3/2023 Senate Committee report: Favorable **Education** (Senate Journal‑page 13)

 5/8/2023 Scrivener's error corrected

 5/9/2023 Senate Read second time (Senate Journal‑page 84)

 5/9/2023 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 84)

 5/10/2023 Senate Read third time and enrolled (Senate Journal‑page 24)

 5/11/2023 Ratified R 57

 5/16/2023 Signed By Governor

 5/26/2023 Effective date 05/16/23

 5/26/2023 Act No. 47

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[05/08/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/4122_20230508.htm)

(A47, R57, H4122)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑63‑95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO‑INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

Be it enacted by the General Assembly of the State of South Carolina:

Lifesaving medications in schools

SECTION 1. Section 59‑63‑95 of the S.C. Code is amended to read:

 Section 59‑63‑95. (A) As used in this section, and unless the specific context indicates otherwise:

 (1) “Administer” means the direct application of a lifesaving medication into the body of a person.

 (2) “Advanced practice registered nurse” means a registered nurse prepared for an advanced practice registered nursing role by virtue of the additional knowledge gained through an advanced formal education program in a specialty area pursuant to Chapter 33, Title 40.

 (3) “Designated school personnel” means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the Department of Health and Environmental Control to provide for or administer a lifesaving medication to a student or other individual on a school premises or attending a school function.

 (4) “Governing authority of a school” means the board of trustees of a school district or the board of trustees of a private school.

 (5) “Lifesaving medication” means any prescription medication that can be administered to a person experiencing a medical emergency. The Department of Health and Environmental Control, in consultation with the Department of Education, will publish a list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency pursuant to this section and shall publish training guidelines for the administration of such lifesaving medications.

 (6) “Participating governing authorities” means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain a supply of lifesaving medications and to provide and administer lifesaving medications to students and other people on a school premises or attending a school function pursuant to subsections (B) and (C).

 (7) “Physician” means a doctor of medicine licensed by the South Carolina Board of Medical Examiners pursuant to Article 1, Chapter 47, Title 40.

 (8) “Physician assistant” means a health care professional licensed to assist with the practice of medicine with a physician supervisor pursuant to Article 7, Chapter 47, Title 40.

 (9) “Provide” means to supply one or more lifesaving medications to a student or other person on a school premises or attending a school function.

 (10) “School” means a public or private school.

 (11) “Self‑administration” means a student or other person's discretionary use of lifesaving medication, whether provided by the student or the other person or by a school nurse or other designated school personnel pursuant to this section.

 (B) Notwithstanding another provision of law, a physician, including the Director of Public Health for the Department of Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34; and a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965 may prescribe lifesaving medications maintained in the name of a school for use in accordance with subsection (D). Notwithstanding another provision of law, licensed pharmacists and physicians may dispense lifesaving medications in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision of law, a school may maintain a stock supply of lifesaving medications in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing lifesaving medications, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

 (C) The governing authority of a school district or private school may authorize school nurses and other designated school personnel to:

 (1) provide a lifesaving medication to a student in accordance with a prescription specific to the student that is on file with the school;

 (2) administer a lifesaving medication to a student in accordance with a prescription specific to the student on file with the school;

 (3) administer a lifesaving medication to a student or other person on a school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of Public Health for the Department of Health and Environmental Control pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34; or a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965, regardless of whether the student or other person has a prescription for a lifesaving medication.

 (D) The governing authority of a school district or the governing authority of a private school may enter into arrangements with manufacturers of lifesaving medications or third‑party suppliers of lifesaving medications to obtain lifesaving medications at fair‑market, free, or reduced prices.

 (E) Participating governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, shall implement a plan for the management of students with life‑threatening allergies or medical emergencies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

 (1) education and training for school personnel on the management of students with life‑threatening allergies or medical emergencies, including training related to the administration of lifesaving medications, techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis, and the standards and procedures for the storage and administration of lifesaving medications;

 (2) procedures for responding to life‑threatening allergic reactions and medical emergencies, including emergency follow‑up procedures; and

 (3) a process for the development of individualized health care and allergy action plans for every student with a known life‑threatening allergy.

 (F) Participating governing authorities shall make the plan developed pursuant to subsection (E) available on the websites of the school district and private school governing authorities and on the websites of schools; however, if a school does not have a website, make the plan publicly available through other practicable means as determined by participating governing authorities.

 (G) This section applies only to participating governing authorities.

 (H)(1) A school, school district, school district governing authority, private school governing authority, the Department of Health and Environmental Control, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from the administration or self‑administration of a lifesaving medication, regardless of whether:

 (a) the student's parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self‑administration; or

 (b) the other person to whom a school nurse or other designated school personnel provides or administers a lifesaving medication gave authorization for the administration.

 (2) The immunity granted pursuant to item (1) applies to individuals and entities who:

 (a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;

 (b) make publicly available a plan, pursuant to subsection (F);

 (c) prescribe lifesaving medications, pursuant to subsection (B);

 (d) dispense lifesaving medications, pursuant to subsection (B);

 (e) provide lifesaving medications to students or other people for self‑administration, pursuant to subsection (C); or

 (f) administer lifesaving medications to students or other people, pursuant to subsection (C).

 (3) The immunity granted pursuant to this subsection:

 (a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and

 (b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15‑1‑310, 15‑78‑10, and any other provisions of law.

 (4) The administration of lifesaving medications pursuant to this section is not the practice of medicine or nursing.

 (I) Notwithstanding another provision of law, the Director of Public Health for the Department of Health and Environmental Control is authorized to issue a standing order for the prescription of lifesaving medication on a schoolwide basis under conditions that he determines are in the best interests of this State and in furtherance of this section. In the event the current director of public health is not a physician, the department may appoint a designee if he is a physician as defined in subsection (A)(7).

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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