



## INJURY PREVENTION: FOOD ALLERGIES 50 State Compilation

### Summary Matrix of State Laws Addressing Epi-Pen Use in Schools

Enacted or adopted as of December 31, 2015

	CITATION	STUDENT POSSESSION AND SELF-ADMINISTRATION	WRITTEN PHYSICIAN AUTHORIZATION	STUDENT COMPETENCY REQUIREMENT <sup>1</sup>	INDIVIDUALIZED WRITTEN TREATMENT PLAN	SCHOOL NURSE ADMINISTRATION	STAFF ADMINISTRATION	EMERGENCY STOCKPILE <sup>2</sup>	WAIVER/RELEASE FROM LIABILITY	ADDITIONAL COMMENTS
AL	Code of Ala. § <a href="#">16-1-39</a>	--	✓	✓	--	✓	✓	--	✓	- Personnel must have been recognized by the school nurse and have completed a twelve-hour course of instruction before administering EpiPen.
AK	Alaska Stat. Ann. §§ <a href="#">14.30.141</a> , <a href="#">17.22.040</a>	✓	✓	✓	✓	--	--	✓	✓	-Trained individuals may obtain a prescription for auto-injectable epinephrine - without a diagnosis of an allergy – and may administer auto-injectable epinephrine in the event of an emergency -Trained individuals may and should include school nurses and specific staff members.
AZ	Ariz. Rev. Stat. Ann. § <a href="#">15-341</a>	✓	✓	--	--	✓	✓	--	✓	- Each school district has specific policies and procedures, but in general, schools require written or oral request or authorization of a parent or legal guardian for student or staff administration, and the student's name must appear on the prescription label attached to the medication.
AR	Ark. Code Ann. § <a href="#">6-18-707</a>	✓	✓	✓	✓	✓	✓	✓	✓	-Effective January 2014, school nurses and trained personnel may administer epinephrine.



CA	Cal. Educ. Code §§ <a href="#">49423</a> & <a href="#">49414</a>	✓	✓	✓	--	✓	✓	✓	✓	
CO	Colo. Rev. Stat. Ann. § <a href="#">22-1-119.5</a>	✓	✓	--	✓	✓	✓	✓	✓	- In order for a student to self-administer auto-injectable epinephrine, parent/legal guardian must release school from liability. - This liability provision does not necessarily apply to the emergency injection of epinephrine
CT	Conn. Gen. Stat. Ann. § <a href="#">10-212a</a>	✓	✓	✓	--	✓	✓	--	✓	
DE	Code Del. Regs. <a href="#">14-612</a> , <a href="#">14-817-3</a>	✓	✓	✓	--	✓	--	--	--	
DC	D.C. Code §§ <a href="#">38-651.02</a> & <a href="#">38-651.06</a>	✓	✓	✓	✓	✓	✓	✓	✓	- Administrators must complete training every three years in order to administer EpiPen.
FL	Fla. Stat. Ann. §§ <a href="#">1002.20</a> , <a href="#">1006.062</a>	✓	✓	--	✓	✓	✓	✓	✓	
GA	Ga. Code Ann. §§ <a href="#">20-2-776.1</a> , <a href="#">20-2-776</a>	✓	✓	✓	--	✓	✓	✓	✓	
HI	Haw. Rev. Stat. § <a href="#">302A-1164</a>	✓	✓	✓	--	✓	✓	--	✓	
ID	Idaho Code § <a href="#">33-520</a>	✓	--	--	--	--	--	--	--	- Each school must adopt its own policy. In general, students shall be permitted to possess and use the prescribed EpiPen at all times. Schools may require pupils to maintain duplicate prescription medications with the school nurse or, in the absence of a school nurse, school administrator.
IL	IL ST <a href="#">CH 105 § 5/22-30</a>	✓	✓	--	✓	✓	✓	✓	✓	-Physician may prescribe epinephrine auto-injectors in the name of the school district or nonpublic school to be maintained for use when necessary, and available for use under a standing protocol from the physician.
IN	Ind. Code Ann. § <a href="#">20-33-8-13</a> ;	✓	✓	✓	--	✓	--	--	--	
IA	Iowa Code Ann. § <a href="#">280.16</a>	✓	--	--	✓	✓	✓	--	✓	- Requires school districts to allow the self administration of asthma or any other airway constricting disease medication where liability and prescribing conditions are met.
KS	Kan. Stat. Ann. §§ <a href="#">7722-8252</a> , <a href="#">72-8258</a>	✓	✓	✓	✓	✓	✓	✓	✓	



KY	Ky. Rev. Stat. Ann. §§ <a href="#">158.834</a> , <a href="#">158.836</a> , <a href="#">156.502</a>	✓	✓	✓	✓	✓	✓	✓	✓	- Each school is encouraged to keep an epinephrine auto-injector in at least two (2) locations in the school, including the school office and the school cafeteria.
LA	La. Rev. Stat. Ann. § <a href="#">17:436.1</a>	✓	✓	✓	✓	✓	✓	✓	✓	
ME	Me. Rev. Stat. tit. <a href="#">20-A</a> , § <a href="#">254</a>	✓	✓	✓	--	--	✓	--	--	- All unlicensed personnel who administer medication receive training before receiving authorization to do so.
MD	Md. Code Ann., Educ. §§ <a href="#">7-426.1</a> , <a href="#">7-426.2</a> , <a href="#">7-426.3</a>	✓	✓	✓	--	✓	✓	✓	✓	-The school principal may establish a peanut-free and tree nut-free table in the cafeteria. - Stockpiling of auto-injectable epinephrine is required.
MA	<a href="#">105 Code of Mass Regs. 210.100</a> ; <a href="#">105 Code of Mass. Regs. 210.006</a>	✓	✓	✓	✓	✓	✓	✓	--	
MI	Mich. Comp. Laws Ann. §§ <a href="#">380.1178</a> , <a href="#">380.1179</a>	✓	✓	--	✓	--	--	--	✓	
MN	Minn. Stat. Ann. § <a href="#">121A.2205</a>	✓	✓	✓	✓	--	✓	✓	✓	-Third parties and manufacturers may supply auto-injectors for free or at reduced prices to districts
MS	Miss. Code. Ann. §§ <a href="#">41-79-31</a> , <a href="#">41-79-1</a>	✓	✓	✓	✓	✓	✓	✓	✓	-Allows schools and school districts, with a valid prescription, to accept donated auto-injectable epinephrine from public or private entities, and seek and apply for grants to obtain funding for purchasing auto-injectable epinephrine.
MO	Mo. Ann. Stat. §§ <a href="#">167.627</a> , <a href="#">167.630</a>	✓	✓	✓	✓	✓	✓	✓	✓	- School board may authorize a school nurse to maintain a stockpile.
MT	Mont. Code Ann. § <a href="#">20-5-420</a>	✓	✓	✓	✓	✓	✓	✓	✓	- Administration to non-pupil permitted in emergencies.
NE	Neb. Rev. Stat. § <a href="#">79-224</a> ; <a href="#">92 NAC 59</a>	✓	✓	✓	✓	✓	✓	-	✓	
NV	Nev. Rev. Stat. Ann. § <a href="#">392.425</a>	✓	✓	✓	✓	✓	✓	✓	✓	- School nurses and trained school personnel are permitted to administer auto-injectable epinephrine to students thought to be experiencing anaphylaxis. Furthermore, schools are now required to store at least two doses of auto-injectable epinephrine at the school.



NH	N.H. Rev. Stat. Ann. §§ <a href="#">200:42</a> , <a href="#">200:43</a> , <a href="#">200:44</a> , <a href="#">200:45</a>	✓	✓	✓	✓	✓	--	--	✓	- Students must report to nurse or principal for follow-up care after self-administration.
NJ	N.J. Stat. Ann. §§ <a href="#">18A:40-12.3</a> , <a href="#">18A:40-12.5</a> , <a href="#">18A:40-12.6</a>	✓	✓	--	✓	✓	✓	--	✓	- School nurse shall designate employees who volunteer to administer.
NM	N.M. Stat. Ann. § <a href="#">22-5-4.3</a>	✓	✓	✓	✓	✓	✓	--	✓	
NY	N. Y. Public Health Law § <a href="#">2500-h</a> and <a href="#">3000-c</a> ; N.Y. Educ. Law § <a href="#">6909</a>	✓	✓	✓	✓	✓	✓	--	✓	-The Commissioner of Education must publish an anaphylaxis policy with guidelines and procedures, which all school boards are required to consider, but not adopt. -A certified nurse practitioner may prescribe and order a non-patient specific regimen to a registered professional nurse for the emergency treatment of anaphylaxis.
NC	N.C. Gen. Stat. Ann. § <a href="#">115C-375.2</a>	✓	✓	✓	✓	✓	✓	--	✓	
ND	N.D. Cent. Code Ann. §§ <a href="#">15.1-19-16</a> & <a href="#">CH. 33-37-01</a>	✓	✓	✓	--	--	--	✓	✓	
OH	Ohio Rev. Code Ann. §§ <a href="#">3313.713</a> , <a href="#">3313.718</a>	✓	✓	✓	--	✓	✓	--	✓	- School administrators must complete a drug administration program.
OK	Okla. Stat. Ann. <a href="#">tit. 70, § 1-116.3</a>	✓	✓	✓	--	✓	✓	✓	✓	
OR	Or. Rev. Stat. Ann. § <a href="#">339.866-339.873</a>	✓	✓	✓	✓	✓	✓	--	✓	- Trained school personnel may administer prescription and nonprescription medication. -A parent/guardian of a student with a prescription may request in writing that backup epinephrine be kept at a reasonably secure location in a student's classroom if a health care professional verifies in writing that lack of immediate access to auto-injectable epinephrine may be life threatening.



PA	24 Pa. Stat. Ann. <a href="#">§ 14-1414.1</a>	✓	✓	✓	--	--	--	--	--	
RI	R.I. Gen. Laws Ann. <a href="#">§ 16-21-22</a>	✓	✓	--	--	✓	✓	✓	✓	- A parent or legal guardian may expressly authorize the school department and school bus drivers and monitors to administer epinephrine on his or her child in case of an emergency.
SC	S.C. Code Ann. <a href="#">§ 59-63-80</a> , <a href="#">§ 59-63-95</a>	✓	✓	✓	✓	✓	✓	✓	✓	
SD	S.D. Codified Laws <a href="#">§ 13-32-11</a>	✓	✓	✓	✓	--	--	--	✓	
TN	Tenn. Code Ann. <a href="#">§ 49-50-1602</a> , <a href="#">Public Chapter No. 294</a>	✓	✓	✓	✓	✓	✓	✓	✓	-The state Department of Education, with the Department of Health, must develop guidelines for the management of students with life-threatening food allergies. -In general, the student's parent or guardian must give permission in writing for appropriately licensed health care professionals to perform health care procedures and administer medications. - Schools can maintain at least two epinephrine auto-injectors in, unlocked, secure locations including the school office and the school cafeteria.
TX	Tex. Educ. Code Ann. <a href="#">§ 38.015</a> ,	✓	✓	✓	--	--	✓	--	--	
UT	Utah Code Ann. §§ <a href="#">26-41-101</a> , <a href="#">26-41-102</a> , <a href="#">26-41-103</a> , <a href="#">26-41-104</a> , <a href="#">26-41-105</a> , <a href="#">26-41-106</a>	✓	✓	✓	--	✓	✓	✓	✓	- Qualified trained adults may obtain a prescription for epinephrine auto-injectors from the school district physician, the medical director of the local health department, or the local emergency medical services director.
VT	Vt. Stat. Ann. <a href="#">tit. 16, §§ 1387 &amp; 1388</a>	✓	✓	✓	✓	✓	✓	✓	✓	
VA	VA Code Ann. §§ <a href="#">8.01-225</a> , <a href="#">22.1-274.2</a> , <a href="#">54.1-3408</a>	✓	✓	✓	✓	✓	✓	✓	✓	- Stockpiling of epinephrine auto-injectors is required.
WA	Wash. Rev. Code Ann. §§ <a href="#">28A.210.0001</a> ,	✓	✓	✓	✓	✓	✓	✓	✓	- Schools may maintain a supply of auto injectors of epinephrine based on the number of students enrolled.



	<a href="#">28A.210.370</a> , <a href="#">28A.210.380</a>									
<b>WV</b>	WV Code Ann. <a href="#">§§ 18-5-22a</a> , <a href="#">18-5-22c</a>	--	--	--	--	✓	✓	✓	✓	
<b>WI</b>	Wis. Stat. Ann. <a href="#">§§ 118.29</a> , <a href="#">118.292</a>	✓	✓	--	--	✓	✓	--	✓	
<b>WY</b>	WY Stat. Ann. <a href="#">§ 21-4-310</a>	✓	✓	✓	--	--	--	--	✓	

**SUPPORTERS**



Robert Wood Johnson Foundation

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law.

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<sup>1</sup>A majority of states that allow students to possess and self-administer epinephrine require a physician to confirm as part of written physician authorization either that the student has been instructed in the correct and responsible use of the medication, that the student has demonstrated competence to the physician and/or school nurse, or both.

<sup>2</sup> Emergency stockpiling as used in this survey refers to a law that allows a school to maintain non-student-specific epinephrine to be used on any student believed to be experiencing an anaphylactic emergency; states where the requirement is mandatory are noted in the comments section.