



State of Tennessee

PUBLIC CHAPTER NO. 294

SENATE BILL NO. 1146

By Green, Haile

Substituted for: House Bill No. 866

By Sexton, Goins, Ryan Williams

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415(f), is amended by adding the following language as a new subdivision (3):

(3)(A) It is the intent of the general assembly that schools, both public and nonpublic, be prepared to treat allergic reaction in the event a student's personal epinephrine auto-injector is not available or the student is having a reaction for the first time.

(B) Each school in an LEA and each nonpublic school is authorized to maintain at the school in at least two (2) unlocked, secure locations, including, but not limited to, the school office and the school cafeteria, epinephrine auto-injectors so that epinephrine may be administered to any student believed to be having a life-threatening allergic or anaphylactic reaction.

(C) Notwithstanding any provision of title 63 to the contrary, a physician may prescribe epinephrine auto-injectors in the name of an LEA or nonpublic school to be maintained for use in schools when necessary.

(D) When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, the school nurse or other trained school personnel may utilize the LEA or nonpublic school supply of epinephrine auto-injectors to respond to an anaphylactic reaction, under a standing protocol from a physician licensed to practice medicine in all its branches.

(E) If a student is injured or harmed due to the administration of epinephrine that a physician has prescribed to an LEA or nonpublic school under this subdivision (f)(3), the physician shall not be held responsible for the injury unless the physician issued the prescription or standing protocol with intentional disregard for safety.

(F) Similarly, if a student is injured or harmed due to administration of epinephrine to the student by a school nurse or other trained school personnel under this subdivision (f)(3), the school nurse or school employee shall not be held responsible for the injury unless the school nurse or school employee administered the epinephrine injection with an intentional disregard for safety.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 15, 2013



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of April 2013



BILL HASLAM, GOVERNOR