

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0265.01 Brita Darling x2241

HOUSE BILL 20-1283

HOUSE SPONSORSHIP

Buckner,

SENATE SPONSORSHIP

Todd,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF AN INHALER TO PERSONS IN
102 RESPIRATORY DISTRESS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends existing law relating to the administration of epinephrine auto-injectors to include permitting public schools to obtain a stock supply of inhalers containing albuterol (inhaler) that the school nurse or trained school personnel may administer to a student who the school nurse or trained personnel believe is experiencing respiratory distress. Persons administering an inhaler must complete training on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

administering an inhaler and on recognizing symptoms of respiratory distress.

The state board of education, with assistance from the department of public health and environment, shall promulgate rules for the administration of inhalers to students, including education and training necessary for personnel administering inhalers.

The inhalers may be obtained and used through standing orders and protocols issued by a licensed physician and other medical personnel with prescriptive authority. Schools may seek monetary donations to purchase inhalers and may enter into arrangements with manufacturers and suppliers to obtain inhalers at reduced prices or for free.

If a school district acts consistent with the law and does not engage in willful or wanton conduct that causes damages, the school, school district, and school employees are immune from civil liability for any damages related to administering the inhaler to a student who was believed to be in respiratory distress.

In addition, the bill amends existing law relating to the administration of epinephrine auto-injectors outside of school settings to include permitting authorized entities, such as recreation camps, amusement parks, and sports arenas, to obtain a stock supply of inhalers containing albuterol to administer to persons believed to be in respiratory distress. Persons administering the inhalers for authorized entities must complete training on administering an inhaler and on recognizing symptoms of respiratory distress.

The inhalers may be obtained and used through standing orders and protocols issued by a licensed physician and other medical personnel with prescriptive authority. Authorized entities may seek monetary donations to purchase inhalers.

If an authorized entity acts consistent with the law and does not engage in willful or wanton conduct that causes damages, the authorized entity and its employees are immune from criminal liability or civil suit for any damages related to administering the inhaler to a person who was believed to be in respiratory distress.

A physician, school nurse, pharmacist, and other medical personnel acting in accordance with the law are not subject to discipline by a licensing board for either administering an inhaler in a school or for prescribing inhalers for a school or a designated entity.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-119.5, **amend**
3 (5.5), (6), (8), and (9) as follows:

4 **22-1-119.5. Asthma, food allergy, and anaphylaxis health**

1 **management - respiratory distress - self-administered medication -**
2 **staff-administered medication - rules - definitions.** (5.5) (a) As used
3 in this subsection (5.5), and in ~~subsection (6)~~ SUBSECTIONS (6), (7), AND
4 (8) of this section, unless the context otherwise requires:

5 (I) "Administer" or "administration" means to give a dose of
6 medicine to a student who has asthma or a food or other allergy, ~~or who~~
7 is experiencing anaphylaxis, OR WHO IS IN RESPIRATORY DISTRESS,
8 including the use of an epinephrine auto-injector, an ~~asthma~~ inhaler, or
9 oral medication.

10 (II) "BRONCHODILATOR" MEANS ALBUTEROL SULFATE OR
11 ANOTHER SHORT-ACTING BRONCHODILATOR THAT IS APPROVED BY THE
12 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE EMERGENCY
13 TREATMENT OF RESPIRATORY DISTRESS.

14 ~~(H)~~ (III) "Designated school personnel" means:

15 (A) An employee in a school who has been trained on the
16 administration of epinephrine auto-injectors consistent with the rules on
17 administration of epinephrine auto-injectors and to whom a school nurse
18 has delegated the nursing task of administering epinephrine auto-injectors
19 to students; ~~or~~

20 (B) An employee in a school who has been trained on the
21 administration of epinephrine auto-injectors consistent with the rules on
22 administration of epinephrine auto-injectors and to whom a nurse has
23 delegated the nursing task of administering epinephrine auto-injectors to
24 students or has been trained by a medical professional licensed ~~under~~
25 PURSUANT TO article 240 or 255 of title 12 and to whom the licensee has
26 delegated the administration of epinephrine auto-injectors under the
27 authority of that person's license; OR

1 (C) AN EMPLOYEE IN A SCHOOL WHO HAS BEEN TRAINED IN THE
2 ADMINISTRATION OF AN INHALER FOR RESPIRATORY DISTRESS CONSISTENT
3 WITH THE RULES ON ADMINISTRATION OF AN INHALER, AS DIRECTED ON
4 THE PRESCRIPTION PROTOCOL, AND TO WHOM A NURSE HAS DELEGATED
5 THE NURSING TASK OF ADMINISTERING INHALERS TO STUDENTS IN
6 RESPIRATORY DISTRESS OR HAS BEEN TRAINED BY A MEDICAL
7 PROFESSIONAL LICENSED PURSUANT TO ARTICLE 240 OR 255 OF TITLE 12
8 AND TO WHOM THE LICENSEE HAS DELEGATED THE ADMINISTRATION OF AN
9 INHALER UNDER THE AUTHORITY OF THAT PERSON'S LICENSE.

10 ~~(HH)~~ (IV) "Governing authority of a school" means a school
11 district board of education of a public school, the state charter school
12 institute for an institute charter school, or the governing board of a
13 nonpublic school.

14 (V) "INHALER" MEANS A DEVICE THAT DELIVERS A
15 BRONCHODILATOR TO ALLEVIATE SYMPTOMS OF RESPIRATORY DISTRESS,
16 IS MANUFACTURED IN THE FORM OF A METERED DOSE INHALER OR DRY
17 POWDER INHALER, AND INCLUDES A SPACER OR HOLDING CHAMBER THAT
18 ATTACHES TO THE INHALER TO IMPROVE THE DELIVERY OF THE
19 BRONCHODILATOR.

20 ~~(HV)~~ (VI) "Prescription" means any order issued in writing, dated
21 and signed by a physician licensed pursuant to article 240 of title 12, a
22 physician assistant licensed in accordance with section 12-240-113, or an
23 advanced practice nurse with prescriptive authority in accordance with
24 section 12-255-112.

25 (VII) "RESPIRATORY DISTRESS" MEANS THE PERCEIVED OR ACTUAL
26 PRESENCE OF COUGHING, WHEEZING, OR SHORTNESS OF BREATH.

27 ~~(V)~~ (VIII) "School" means any public or nonpublic school.

1 (b) A governing authority of a school may adopt and implement
2 a policy whereby schools under its jurisdiction may acquire and maintain
3 a stock supply of epinephrine auto-injectors OR INHALERS.

4 (c) A governing authority of a school may adopt a policy for
5 schools within its jurisdiction to authorize the school nurse or other
6 designated school personnel TRAINED to administer an epinephrine
7 auto-injector to any student ~~that~~ the school nurse or designated school
8 personnel in good faith believes is experiencing anaphylaxis OR TO
9 ADMINISTER AN INHALER TO ANY STUDENT THE SCHOOL NURSE OR
10 DESIGNATED SCHOOL PERSONNEL IN GOOD FAITH BELIEVES IS
11 EXPERIENCING RESPIRATORY DISTRESS, in accordance with standing
12 orders and protocols from a licensed physician, physician assistant, or
13 advanced practice nurse with prescriptive authority, regardless of whether
14 the student has a prescription for an epinephrine auto-injector OR AN
15 INHALER.

16 (d) (I) A governing authority of a school may enter into
17 arrangements with manufacturers of epinephrine auto-injectors OR
18 INHALERS, or third-party suppliers of epinephrine auto-injectors OR
19 INHALERS, to obtain epinephrine auto-injectors OR INHALERS at
20 fair-market or reduced prices or for free.

21 (II) A GOVERNING AUTHORITY OF A SCHOOL MAY ACCEPT
22 MONETARY DONATIONS TO PURCHASE INHALERS.

23 (e) The governing authority of a public school that decides to
24 maintain a supply of epinephrine auto-injectors OR INHALERS as described
25 in this subsection (5.5) shall:

26 (I) Implement a plan based on the rules developed pursuant to
27 subsection (8) of this section for the management of students with

1 life-threatening allergies enrolled in schools under its jurisdiction AND
2 FOR THE EMERGENCY ADMINISTRATION OF INHALERS BY DESIGNATED
3 SCHOOL PERSONNEL TO STUDENTS EXPERIENCING RESPIRATORY DISTRESS;
4 and

5 (II) Make such plan available on ~~such~~ THE governing authority's
6 website or the website of each school under the governing authority's
7 jurisdiction, or if such websites do not exist, make ~~such~~ THE plan
8 available to parents and other interested persons through other practical
9 means as determined by ~~such~~ THE governing authority.

10 (f) To qualify for the protections in subsection (6) of this section,
11 the governing authority of a nonpublic school that decides to maintain a
12 supply of epinephrine auto-injectors OR INHALERS as described in this
13 subsection (5.5) must implement a plan based on the rules adopted by the
14 state board of education as described in subsection (8) of this section.

15 (g) The department of education shall develop and publish an
16 annual report compiling, summarizing, and analyzing all incident reports
17 submitted to the department pursuant to ~~paragraph (e) of subsection (8)~~
18 SUBSECTION (8)(e) of this section.

19 (6) Unless the damages were caused by willful or wanton conduct
20 or disregard of the criteria of an approved treatment plan, if the provisions
21 of this section are met, a school, school district, school district director,
22 or school or school district employee not otherwise provided for ~~under~~
23 PURSUANT TO section 13-21-108 ~~C.R.S.~~, shall not be liable in a suit for
24 damages as a result of an act or omission related to:

25 (a) A student's own use of the student's epinephrine auto-injector
26 or any other medication contained in an approved treatment plan; or

27 (b) The good-faith administration of an epinephrine auto-injector

1 OR AN INHALER in accordance with a policy and standing orders and
2 protocols on the administration of epinephrine auto-injectors AND
3 INHALERS as described in ~~paragraph (c) of subsection (5.5)~~ SUBSECTION
4 (5.5)(c) of this section and pursuant to a plan adopted pursuant to
5 ~~paragraph (e) or (f) of subsection (5.5)~~ SUBSECTION (5.5)(c) OR (5.5)(f)
6 of this section.

7 (8) The state board of education, with assistance from the
8 department of public health and environment, shall promulgate and
9 revise, as necessary, rules for treatment plans for the management of
10 students with life-threatening allergies pursuant to this section AND FOR
11 THE ADMINISTRATION OF INHALERS PURSUANT TO THIS SECTION TO
12 STUDENTS EXPERIENCING RESPIRATORY DISTRESS. The state board of
13 education shall adopt rules CONCERNING THE MANAGEMENT OF STUDENTS
14 WITH LIFE-THREATENING ALLERGIES on or before December 31, 2013, ~~to~~
15 AND ON OR BEFORE DECEMBER 31, 2020, ADOPT RULES CONCERNING THE
16 ADMINISTRATION OF INHALERS FOR STUDENTS EXPERIENCING
17 RESPIRATORY DISTRESS, WHICH RULES MUST include, but ARE not ~~be~~
18 limited to:

19 (a) (I) Education and training for school nurses and designated
20 school personnel on the management of students with life-threatening
21 allergies AND STUDENTS EXPERIENCING RESPIRATORY DISTRESS, including
22 ANNUAL TRAINING ON THE RECOGNITION OF SYMPTOMS OF RESPIRATORY
23 DISTRESS. IN DEVELOPING THE RULES ON EDUCATION AND TRAINING, THE
24 STATE BOARD SHALL SOLICIT INPUT FROM AN ORGANIZATION THAT
25 REPRESENTS SCHOOL NURSES;

26 (II) Training related to the administration of an epinephrine
27 auto-injector ~~In developing the rules on education and training, the state~~

1 ~~board shall solicit input from an organization that represents school~~
2 ~~nurses~~ AND AN INHALER; AND

3 (III) THE REQUIREMENT THAT AT LEAST TWO DESIGNATED SCHOOL
4 PERSONNEL AT EACH SCHOOL ARE TRAINED TO RECOGNIZE SYMPTOMS OF
5 RESPIRATORY DISTRESS, TO FOLLOW SPECIFIC PROCEDURES WHEN
6 RESPIRATORY DISTRESS OCCURS, AND TO ADMINISTER INHALERS TO
7 STUDENTS EXPERIENCING RESPIRATORY DISTRESS;

8 (b) Procedures for responding to life-threatening allergic reactions
9 AND RESPIRATORY DISTRESS;

10 (c) A process for the development of individualized health care
11 and allergy action plans for every student with a known life-threatening
12 allergy, including the self-administration of medications pursuant to
13 subsection (2) of this section;

14 (d) Protocols to prevent exposure to allergens;

15 (e) Requirements for each school to submit, on a form developed
16 by the department of education, a report of each incident at the school or
17 a related-school event involving a severe allergic reaction or the
18 administration of an epinephrine auto-injector, or both, OR AN INCIDENCE
19 OF RESPIRATORY DISTRESS OR THE ADMINISTRATION OF AN INHALER, OR
20 BOTH;

21 (f) Requirements for school nurses in schools that have adopted
22 a policy allowing for the administration of epinephrine auto-injectors OR
23 INHALERS pursuant to subsection (5.5) of this section to report to the
24 department whether the school nurse has trained and designated any
25 school personnel to administer epinephrine auto-injectors AND INHALERS,
26 and, if so, the number of employees in the school or school district ~~that~~
27 WHO have been trained and designated to administer epinephrine

1 auto-injectors AND INHALERS;

2 (g) Detailed standards for training programs that must be
3 completed by school nurses and designated school personnel in order to
4 administer an epinephrine auto-injector OR INHALER in accordance with
5 subsection (5.5) of this section. Training may be conducted online and,
6 at a minimum, ~~shall~~ MUST cover:

7 (I) Techniques on how to recognize symptoms of severe allergic
8 reactions, including anaphylaxis, AND RESPIRATORY DISTRESS;

9 (II) Standards and procedures for the storage and administration
10 of an epinephrine auto-injector AND INHALER; and

11 (III) Emergency follow-up procedures after administering an
12 epinephrine auto-injector OR INHALER.

13 (9) The department of public health and environment is authorized
14 to audit school records for the determination of asthma and severe allergy
15 rates within the schools and to determine the proportion of those students
16 with asthma and severe allergies in the schools ~~that~~ WHO have treatment
17 plans allowing for self-administration of asthma and severe allergy
18 medications. The audit ~~shall~~ MUST define the extent of asthma and severe
19 allergies among students and determine the effect of this section on the
20 well-being of children with asthma and severe allergies in schools. THE
21 AUDIT MAY INCLUDE A REVIEW OF THE INSTANCES OF RESPIRATORY
22 DISTRESS IN THE SCHOOLS AND THE ADMINISTRATION BY DESIGNATED
23 SCHOOL PERSONNEL OF INHALERS. The audit ~~shall~~ MUST be conducted in
24 conformance with the requirements of the "Family Educational Rights
25 and Privacy Act of 1974", 20 U.S.C. sec. 1232g.

26 **SECTION 2.** In Colorado Revised Statutes, 25-47-101, **amend**
27 (1), (2), and (8); and **add** (2.5), (5.5), and (9) as follows:

1 **25-47-101. Definitions.** As used in this article 47:

2 (1) "Administer" means to directly apply an epinephrine
3 auto-injector to the body of an individual OR TO DELIVER AN INHALER.

4 (2) "Authorized entity" means an entity or organization, other than
5 a school described in section 22-1-119.5 ~~C.R.S.~~, or a hospital licensed or
6 certified pursuant to section 25-1.5-103 (1)(a)(I)(A) or (1)(a)(II), at which
7 OR IN CONNECTION WITH allergens capable of causing anaphylaxis OR
8 SYMPTOMS OF RESPIRATORY DISTRESS may be present. The term includes
9 but is not limited to recreation camps, colleges and universities, day care
10 facilities, youth sports leagues, amusement parks, restaurants, places of
11 employment, ski areas, and sports arenas.

12 (2.5) "BRONCHODILATOR" MEANS ALBUTEROL SULFATE OR
13 ANOTHER SHORT-ACTING BRONCHODILATOR THAT IS APPROVED BY THE
14 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE EMERGENCY
15 TREATMENT OF RESPIRATORY DISTRESS.

16 (5.5) "INHALER" MEANS A DEVICE THAT DELIVERS A
17 BRONCHODILATOR TO ALLEVIATE SYMPTOMS OF RESPIRATORY DISTRESS,
18 IS MANUFACTURED IN THE FORM OF A METERED DOSE INHALER OR DRY
19 POWDER INHALER, AND INCLUDES A SPACER OR HOLDING CHAMBER THAT
20 ATTACHES TO THE INHALER TO IMPROVE THE DELIVERY OF THE
21 BRONCHODILATOR.

22 (8) "Provide" means to supply one or more epinephrine
23 auto-injectors OR INHALERS to an individual.

24 (9) "RESPIRATORY DISTRESS" MEANS THE PERCEIVED OR ACTUAL
25 PRESENCE OF COUGHING, WHEEZING, OR SHORTNESS OF BREATH.

26 **SECTION 3.** In Colorado Revised Statutes, 25-47-102, **amend**
27 (1), (2) introductory portion, and (3) as follows:

1 **25-47-102. Stock supply of epinephrine auto-injectors -**
2 **bronchodilator inhalers - emergency administration.**

3 (1) Notwithstanding any provision of law to the contrary:

4 (a) **Prescribing to an authorized entity permitted.** A health care
5 practitioner may direct the distribution of epinephrine auto-injectors OR
6 INHALERS from an in-state prescription drug outlet to an authorized entity
7 for use in accordance with this ~~article~~ ARTICLE 47, and health care
8 practitioners may distribute epinephrine auto-injectors OR INHALERS to an
9 authorized entity; and

10 (b) **Authorized entities permitted to maintain supply.** An
11 authorized entity may acquire and stock a supply of epinephrine
12 auto-injectors OR INHALERS pursuant to a prescription issued in
13 accordance with this section.

14 (c) AN AUTHORIZED ENTITY MAY ACCEPT MONETARY DONATIONS
15 TO PURCHASE INHALERS.

16 (2) Epinephrine auto-injectors AND INHALERS must be stored:

17 (3) An authorized entity shall designate employees or agents who
18 have completed the training required by section 25-47-104 to be
19 responsible for the storage, maintenance, control, and general oversight
20 of epinephrine auto-injectors OR INHALERS acquired by the authorized
21 entity.

22 **SECTION 4.** In Colorado Revised Statutes, 25-47-103, **amend**
23 (2); and **add** (1.5) as follows:

24 **25-47-103. Use of epinephrine auto-injectors and**
25 **bronchodilator inhalers.** (1.5) AN EMPLOYEE OR AGENT OF AN
26 AUTHORIZED ENTITY OR OTHER INDIVIDUAL WHO HAS COMPLETED THE
27 TRAINING REQUIRED BY SECTION 25-47-104 MAY USE INHALERS

1 PRESCRIBED PURSUANT TO SECTION 25-47-102 TO PROVIDE OR
2 ADMINISTER AN INHALER TO ANY INDIVIDUAL WHOM THE EMPLOYEE,
3 AGENT, OR OTHER INDIVIDUAL BELIEVES IN GOOD FAITH IS EXPERIENCING
4 RESPIRATORY DISTRESS, OR TO PROVIDE AN INHALER TO A FAMILY
5 MEMBER, FRIEND, COLLEAGUE, CAREGIVER, OR PERSON WITH A SIMILAR
6 RELATIONSHIP WITH THE INDIVIDUAL, FOR IMMEDIATE ADMINISTRATION,
7 REGARDLESS OF WHETHER THE INDIVIDUAL HAS A PRESCRIPTION FOR AN
8 INHALER OR HAS PREVIOUSLY BEEN DIAGNOSED WITH A CONDITION
9 REQUIRING AN INHALER.

10 (2) The administration of an epinephrine auto-injector OR AN
11 INHALER in accordance with this section is neither the practice of
12 medicine nor of any other profession that requires licensure.

13 **SECTION 5.** In Colorado Revised Statutes, 25-47-104, **add** (1.5)
14 as follows:

15 **25-47-104. Training.** (1.5) (a) AN EMPLOYEE, AGENT, OR OTHER
16 INDIVIDUAL SHALL COMPLETE AN INITIAL TRAINING PROGRAM ON THE USE
17 OF INHALERS AND SHALL COMPLETE SUBSEQUENT TRAINING AT LEAST
18 EVERY TWO YEARS THEREAFTER. THE TRAINING MUST BE CONDUCTED BY
19 A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED IN TRAINING
20 LAYPERSONS IN EMERGENCY HEALTH TREATMENT. THE TRAINING MAY BE
21 CONDUCTED ONLINE OR IN PERSON AND, AT A MINIMUM, MUST COVER:

22 (I) HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF
23 RESPIRATORY DISTRESS;

24 (II) THE STANDARDS AND PROCEDURES FOR THE STORAGE AND
25 ADMINISTRATION OF AN INHALER; AND

26 (III) EMERGENCY FOLLOW-UP PROCEDURES.

27 (b) THE INDIVIDUAL OR ENTITY THAT CONDUCTS THE TRAINING

1 PROGRAM ON THE USE OF INHALERS SHALL ISSUE A CERTIFICATE TO EACH
2 PERSON WHO SUCCESSFULLY COMPLETES THE TRAINING PROGRAM.

3 **SECTION 6.** In Colorado Revised Statutes, 25-47-107, **amend**
4 (1) introductory portion, (1)(a), (1)(b), (1)(c), (1)(d), (1)(e), (3), and (4);
5 and **add** (5) as follows:

6 **25-47-107. Good samaritan protections - liability.** (1) The
7 following individuals and entities are immune from criminal liability and
8 from suit in any civil action brought by any person for injuries or related
9 damages that result from an act or omission taken pursuant to this ~~article~~
10 ARTICLE 47:

11 (a) An authorized entity that possesses and makes available
12 epinephrine auto-injectors, INHALERS, or an EPAS, and the entity's
13 employees, agents, and other individuals;

14 (b) An authorized entity that does not possess or make available
15 epinephrine auto-injectors, INHALERS, or an EPAS, and the entity's
16 employees, agents, and other individuals;

17 (c) An individual or entity that conducts an anaphylaxis training
18 program OR A TRAINING PROGRAM ON THE USE OF INHALERS;

19 (d) An individual who prescribes or dispenses an epinephrine
20 auto-injector OR AN INHALER;

21 (e) An individual who administers or provides an epinephrine
22 auto-injector OR AN INHALER;

23 (3) This section does not eliminate, limit, or reduce any other
24 immunity or defense that may be available under state law, including the
25 protections set forth in section 13-21-108. ~~C.R.S.~~ Providing or
26 administering an epinephrine auto-injector OR AN INHALER by an entity or
27 individual is deemed emergency care or emergency assistance for

1 purposes of section 13-21-108. ~~C.R.S.~~

2 (4) An authorized entity located in this state that provides or
3 administers an epinephrine auto-injector OR INHALER outside of this state
4 is not liable for any resulting injuries or related damages if the authorized
5 entity:

6 (a) Would not be liable for the injuries or related damages if the
7 epinephrine auto-injector OR THE INHALER had been provided or
8 administered in this state; or

9 (b) Is not liable for injuries or related damages under the law of
10 the state where the authorized entity provided or administered the
11 epinephrine auto-injector OR THE INHALER.

12 (5) THE IMMUNITY FROM CIVIL LIABILITY PROVIDED IN THIS
13 SECTION DOES NOT AFFECT A MANUFACTURER'S PRODUCT LIABILITY
14 REGARDING THE DESIGN, MANUFACTURE, OR INSTRUCTIONS FOR USE OF AN
15 INHALER AND SPACER OR HOLDING CHAMBER.

16 **SECTION 7.** In Colorado Revised Statutes, 12-240-121, **amend**
17 (3) as follows:

18 **12-240-121. Unprofessional conduct - definitions.** (3) A
19 licensee is not subject to disciplinary action by the board for issuing
20 standing orders and protocols regarding the use of epinephrine
21 auto-injectors OR INHALERS, AS DEFINED IN SECTION 25-47-101, in a
22 public or nonpublic school in accordance with the requirements of section
23 22-1-119.5; for the actions taken by a school nurse or by any designated
24 school personnel who administers epinephrine auto-injectors OR
25 INHALERS, AS DEFINED IN SECTION 25-47-101, in accordance with the
26 requirements of section 22-1-119.5; or for prescribing epinephrine
27 auto-injectors OR INHALERS, AS DEFINED IN SECTION 25-47-101, in

1 accordance with the requirements of article 47 of title 25.

2 **SECTION 8.** In Colorado Revised Statutes, 12-255-127, **amend**
3 (1)(n) and (1)(o) as follows:

4 **12-255-127. Exclusions.** (1) No provision of this article 255 shall
5 be construed to prohibit:

6 (n) (I) The administration of epinephrine auto-injectors OR
7 INHALERS, AS DEFINED IN SECTION 25-47-101, by a licensee in a public
8 school or nonpublic school pursuant to a policy adopted in accordance
9 with section 22-1-119.5;

10 (II) The issuance by an advanced practice nurse with prescriptive
11 authority of standing orders and protocols for the use of epinephrine
12 auto-injectors OR INHALERS, AS DEFINED IN SECTION 25-47-101, for
13 emergency use in a public school or nonpublic school pursuant to a policy
14 adopted in accordance with section 22-1-119.5; ~~or~~

15 (III) The training by a licensee of and the delegation to designated
16 school personnel on the recognition of the symptoms of anaphylactic
17 shock and on the administration of epinephrine auto-injectors in a public
18 school or nonpublic school pursuant to a policy adopted in accordance
19 with section 22-1-119.5; OR

20 (IV) THE TRAINING BY A LICENSEE OF AND THE DELEGATION TO
21 DESIGNATED SCHOOL PERSONNEL ON THE RECOGNITION OF THE SYMPTOMS
22 OF RESPIRATORY DISTRESS AND ON THE ADMINISTRATION OF INHALERS, AS
23 DEFINED IN SECTION 25-47-101, IN A PUBLIC SCHOOL OR NONPUBLIC
24 SCHOOL PURSUANT TO A POLICY ADOPTED IN ACCORDANCE WITH SECTION
25 22-1-119.5.

26 (o) A prescription by an advanced practice nurse with prescriptive
27 authority for the use of epinephrine auto-injectors OR INHALERS, AS

1 DEFINED IN SECTION 25-47-101, by an authorized entity in accordance
2 with article 47 of title 25.

3 **SECTION 9.** In Colorado Revised Statutes, 12-280-103, **amend**
4 (54)(b)(XV) as follows:

5 **12-280-103. Definitions - rules.** As used in this article 280, unless
6 the context otherwise requires or the term is otherwise defined in another
7 part of this article 280:

8 (54) (b) "Wholesale distribution" does not include:

9 (XV) The distribution, donation, or sale by a manufacturer or
10 wholesaler of a stock supply of epinephrine auto-injectors OR INHALERS,
11 AS DEFINED IN SECTION 25-47-101, to public schools or nonpublic schools
12 for emergency use by designated school personnel in accordance with the
13 requirements of section 22-1-119.5, or to other entities for emergency use
14 in accordance with the requirements of article 47 of title 25.

15 **SECTION 10. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.