

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H1/30/25

A Bill

HOUSE BILL 1166

5 By: Representative L. Johnson
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE TYPES OF EPINEPHRINE FOR USE IN
10 ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 TO CLARIFY THE TYPES OF EPINEPHRINE FOR
16 USE IN ELEMENTARY AND SECONDARY SCHOOLS
17 IN THIS STATE.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-18-707 is amended to read as follows:

22 6-18-707. Prescription asthma inhaler or ~~auto-injectable~~ epinephrine –

23 Definitions.

24 (a) This section shall be known and may be cited as “Alex’s Law”.

25 (b) As used in this section:

26 (1)(A) "Epinephrine" means a neurotransmitter and a hormone that
27 has been approved by the United States Food and Drug Administration for the
28 treatment of anaphylaxis.

29 (B) "Epinephrine" only includes auto-injectable
30 epinephrine and epinephrine nasal spray;

31 ~~(1)(A)~~(2)(A) “Medication” means a drug as that term is defined
32 in 21 U.S.C. § 321(g) of the Federal Food, Drug and Cosmetic Act as in
33 existence on January 1, 2005.

34 (B) “Medication” includes inhaled bronchodilators and
35 ~~auto-injectable~~ epinephrine; and

36 ~~(2)(3)~~ “Self-administration” means a person’s discretionary use



1 of a medication pursuant to a prescription or written direction from a
2 licensed healthcare practitioner.

3 (c)(1) The Division of Elementary and Secondary Education shall
4 develop guidelines for use in school districts that allow a student to carry
5 and use an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, while in
6 school, at an on-site school-sponsored activity, or at an off-site school-
7 sponsored activity.

8 (2)(A) The procedure shall include at a minimum the following
9 provisions:

10 (i) The parent or guardian of a student who needs to
11 carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, shall
12 provide the school with written authorization for the student to carry an
13 asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person
14 for use while in school, at an on-site school-sponsored activity, or at an
15 off-site school-sponsored activity; and

16 (ii) The authorization shall be:

17 (a) Valid ~~valid~~ only for the duration of the
18 school year at the school that the student is attending at the time the
19 authorization is provided; and

20 (b) Renewed ~~The authorization must be renewed~~
21 for each school year or if the student changes schools in order for the
22 student to carry an asthma inhaler or ~~auto-injectable~~ epinephrine, or both,
23 on his or her person.

24 (B) The parent or guardian of a student who needs to carry
25 an asthma inhaler or ~~auto-injectable~~ epinephrine, or both, shall provide the
26 school with appropriate medical documentation, which shall include:

27 (i) Evidence that the asthma inhaler or ~~auto-~~
28 ~~injectable~~ epinephrine, or both, have been prescribed by a healthcare
29 practitioner with prescriptive privileges;

30 (ii) Evidence that the student needs to carry the
31 asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person
32 due to a medical condition; and

33 (iii) A copy of an individualized healthcare plan
34 for the student.

35 (C) All medical documentation provided with regard to a
36 student who carries an asthma inhaler or ~~auto-injectable~~ epinephrine, or

1 both, shall be kept on file at the school the student attends in a location
2 that is readily accessible in the event of an asthma or anaphylaxis
3 emergency.

4 (D) A student's asthma inhaler or ~~auto-injectable~~
5 epinephrine, or both, shall be supplied by the student's parent or guardian
6 and shall be stored and transported in its original prescription-labeled
7 container.

8 (E) The student shall demonstrate to the healthcare
9 practitioner who wrote the prescription and the school nurse, if the school
10 nurse is available, the skill level and responsibility necessary to use and
11 administer the asthma inhaler or ~~auto-injectable~~ epinephrine, or both.

12 (F)(i) A student with asthma is not required by this
13 section or any related rule or school procedure to carry the student's asthma
14 inhaler or ~~auto-injectable~~ epinephrine, or both, on his or her person.

15 (ii) If a student with asthma does not carry the
16 student's asthma inhaler or ~~auto-injectable~~ epinephrine, or both, on his or
17 her person, then the student's parent or guardian shall provide the school
18 with appropriate medication in the event of an asthma or anaphylaxis
19 emergency, which shall be immediately available to the student in an
20 emergency.

21 (G) A student who carries the student's asthma inhaler or
22 ~~auto-injectable~~ epinephrine, or both, on his or her person may provide the
23 school with appropriate medication in the event of an asthma or anaphylaxis
24 emergency, which shall be immediately available to the student in an
25 emergency.

26 (H) A student is prohibited from sharing, transferring, or
27 in any way diverting his or her own medications to any other person.

28 (d)(1) A school district, school district employee, or agent of a
29 school district is not liable for injury to a student caused by his or her
30 use of a prescription inhaler or self-administration of medication.

31 (2)(A) Regardless of whether or not a student's parents have
32 signed a waiver of liability, when a school nurse or a school district or
33 public charter school employee who holds a certificate under subsection (f)
34 of this section administers an epinephrine ~~auto-injector~~ to a student whom
35 the school nurse or a school district or public charter school employee in
36 good faith professionally believes is having an anaphylactic reaction or when

1 a school nurse or a school district or public charter school employee
2 administers albuterol to a student who the school nurse or a school district
3 or public charter school employee in good faith professionally believes is in
4 perceived respiratory distress, the following persons are immune from any
5 damage, loss, or liability as a result of an injury arising from the
6 administration of ~~an~~ epinephrine ~~auto-injector~~ or albuterol:

7 (i) The school district or public charter school;

8 (ii) The employees and agents of the school district
9 or public charter school; and

10 (iii) A physician providing a standing protocol or
11 prescription for epinephrine ~~auto-injectors~~ or albuterol maintained at a
12 school.

13 (B) This subdivision (d)(2) does not provide immunity from
14 suit or liability for any damage, loss, injury, or liability caused by the
15 intentional or willful and wanton misconduct of a person in administering an
16 epinephrine ~~auto-injector~~ or albuterol to a student under this section.

17 (e)(1) A school district or public charter school shall adopt a policy
18 to authorize a school nurse or a school district or public charter school
19 employee to:

20 (A) Provide ~~an~~ epinephrine ~~auto-injector~~ or albuterol to a
21 student that meets the prescription on file or any personnel who holds a
22 certificate under subsections (f) and (g) of this section to administer an
23 epinephrine ~~auto-injector~~ or albuterol to the student;

24 (B) Administer ~~an~~ epinephrine ~~auto-injector~~ or albuterol
25 that meets the prescription on file to a student who has an individualized
26 healthcare plan that authorizes the use of ~~an~~ epinephrine ~~auto-injector~~ or
27 albuterol;

28 (C) Administer ~~an~~ epinephrine ~~auto-injector~~ to a student
29 who the school nurse or a school district or public charter school employee
30 who holds a certificate under subsection (f) of this section in good faith
31 professionally believes is having an anaphylactic reaction; and

32 (D) Administer albuterol to a student who the school nurse
33 or a school district or public charter school employee in good faith
34 professionally believes is in perceived respiratory distress.

35 (2) A school nurse shall administer ~~an~~ epinephrine ~~auto-injector~~
36 or albuterol under a standing protocol from a physician licensed to practice

1 medicine in this state.

2 (3) A school nurse who receives a supply of epinephrine ~~auto-~~
3 ~~injectors~~ under § 20-13-405 for use at a public school shall maintain the
4 supply of epinephrine ~~auto-injectors~~ at the school in a locked, secure
5 location.

6 (4) Each school district and public charter school shall develop
7 a health plan to implement a certificate from a licensed physician under
8 subsections (f) and (g) of this section.

9 (f)(1) A licensed physician shall issue a certificate under the Insect
10 Sting and Other Allergic Reactions Emergency Treatment Act, § 20-13-401 et
11 seq., authorizing a school nurse or a school district or public charter
12 school employee who is trained in the administration of epinephrine to
13 possess and administer epinephrine.

14 (2) The certificate shall specify the circumstances under which
15 epinephrine may be administered.

16 (g)(1) A physician who is licensed to practice medicine in this state,
17 an advanced practice registered nurse, or a physician assistant may issue a
18 certificate authorizing a school nurse or a school district or public charter
19 school employee who is trained in the administration of albuterol to possess
20 and administer albuterol.

21 (2) A school district or public charter school may:

22 (A) Acquire and stock a supply of albuterol as authorized
23 by subdivision (g)(1) of this section; and

24 (B) Enter into agreements with manufacturers of albuterol
25 to obtain the albuterol free of charge or at fair market or reduced prices.

26 (3) A school district or public charter school shall designate
27 an employee trained in the possession and administration of albuterol to be
28 responsible for the storage, maintenance, and distribution of albuterol
29 stocked by the school.

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31 /s/L. Johnson

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