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Legislative Document

No. 867

S.P. 364

In Senate, February 24, 2023

An Act Regarding Undesignated Ready-to-use Glucagon Rescue Therapies in Schools

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GUERIN of Penobscot.
Cosponsored by Senators: BALDACCI of Penobscot, LIBBY of Cumberland, MOORE of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6308** is enacted to read:

3 **§6308. Glucagon rescue therapy**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Diabetes care plan" means a document that specifies the diabetes-related services
7 needed by a student at school and at school-sponsored activities and identifies the
8 appropriate school employees to provide and supervise these services.

9 B. "Health care provider" means a physician licensed to practice medicine, an
10 advanced practice registered nurse who has a written agreement with a collaborating
11 physician who authorizes the provision of diabetes care or a licensed physician
12 assistant who has a written supervision agreement with a supervising physician who
13 authorizes the provision of diabetes care.

14 C. "School" means a primary or secondary public school, public charter school or
15 approved private school.

16 D. "School employee" means a person who is employed by a school, a person who is
17 employed by a local health department and assigned to a school or a person who
18 contracts with a school to perform services in connection with a student's diabetes care
19 plan.

20 E. "Undesignated ready-to-use glucagon rescue therapy" means a glucagon rescue
21 therapy approved by the United States Food and Drug Administration that does not
22 require reconstitution for the treatment of severe hypoglycemia in a dosage form that
23 can be rapidly administered to the patient in an emergency, including prefilled
24 injectable or nasally administered glucagon, prescribed in the name of a school or
25 school district as provided in this section.

26 **2. Standing order.** A school may obtain a standing order for undesignated ready-to-
27 use glucagon rescue therapy from a health care provider with the authority to prescribe
28 undesignated ready-to-use glucagon rescue therapy.

29 **3. Supply and administration.** A school may maintain a supply of undesignated
30 ready-to-use glucagon rescue therapies in a secure location that is immediately accessible
31 to school employees. A supply of undesignated ready-to-use glucagon rescue therapies
32 must be maintained in accordance with the manufacturer's instructions. School employees
33 may administer an undesignated ready-to-use glucagon rescue therapy to a student if the
34 student's prescribed glucagon is not available on site or has expired.

35 An undesignated ready-to-use glucagon rescue therapy may be used on school property,
36 including the school building, playground and school bus, as well as during field trips or
37 sanctioned excursions away from school property.

38 **4. Liability.** If a student is injured due to the administration of undesignated ready-
39 to-use glucagon rescue therapy that a licensed health professional with prescribing
40 authority has prescribed and a pharmacist has dispensed to a school under this section, the
41 licensed health professional with prescribing authority and pharmacist may not be held

1 responsible for the injury unless the licensed health professional or pharmacist issued or
2 dispensed the prescription with a conscious disregard for safety.

3 If a school employee administers undesignated ready-to-use glucagon rescue therapy to a
4 student whom the school employee in good faith believes to be experiencing a severe
5 hypoglycemic reaction and administers the medication in accordance with the written
6 policies of the school, the school employee, the school, the members of the governing board
7 of the school and the chief administrator of the school are not liable in a criminal action or
8 for civil damages in any capacity as a result of providing the undesignated ready-to-use
9 glucagon therapy.

10 **5. Emergency assistance and notification.** Immediately after the administration of
11 undesignated ready-to-use glucagon rescue therapy to a student, a school employee shall
12 call for emergency assistance and notify the school nurse, unless the school nurse was the
13 person administering the undesignated ready-to-use glucagon rescue therapy, and the
14 student's parent or guardian, emergency contact and health care provider, if known, of the
15 administration of the undesignated ready-to-use glucagon rescue therapy.

16 **6. Training.** In a school that has enrolled a student with diabetes, school employees
17 may receive training during regular in-service training in the basics of diabetes care, how
18 to identify when a student with diabetes needs immediate or emergency medical attention
19 and whom to contact in the case of an emergency. The training may include how to perform
20 tasks necessary to assist a student with diabetes in accordance with the student's diabetes
21 care plan, including training to do the following:

22 A. Check blood glucose and record results;

23 B. Recognize and respond to the symptoms of hypoglycemia and hyperglycemia
24 according to the diabetes care plan;

25 C. Estimate the number of carbohydrates in a snack or lunch;

26 D. Administer insulin according to the diabetes care plan and keep a record of the
27 amount administered; and

28 E. Respond in an emergency, including administering undesignated ready-to-use
29 glucagon rescue therapy and calling for emergency services.

30 The school administrative unit shall coordinate staff training.

31 School nurses, where available, or health care providers may provide technical assistance
32 or consultation or both to school employees.

33 The school shall provide an information sheet to a school employee who transports a
34 student for school-sponsored activities. The information sheet must identify the student
35 with diabetes, the potential emergencies that may occur as a result of the student's diabetes
36 and the appropriate responses to those emergencies and provide the student's emergency
37 contact information.

38 **SUMMARY**

39 This bill allows a primary or secondary public school, public charter school or
40 approved private school to obtain a standing order for undesignated ready-to-use glucagon
41 rescue therapy and describes procedures relating to the storage and use of that therapy. The
42 bill also provides for diabetes-related training for school employees.