

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 364 - L.D. 867

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

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

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

§6308. Glucagon rescue therapy

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

A. "Diabetes care plan" means an individual health plan document that specifies the diabetes-related services needed by a student at school and at school-sponsored activities and may include an emergency action plan.

B. "Emergency action plan" means a document that provides guidelines to prepare school personnel to respond to a serious or life-threatening injury or medical emergency.

C. "Health care provider" means a physician licensed in this State with a scope of practice that includes prescribing medication.

D. "School" means a public elementary school or public secondary school, public charter school or private school approved for tuition purposes.

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

F. "Unlicensed school personnel" means persons acting on behalf of the school who have completed the training required by rule to administer medication but do not possess a professional license that allows them to administer medication.

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

3. Supply and administration. A school may maintain a supply of undesignated ready-to-use glucagon rescue therapies in a secure location that is immediately accessible to a school nurse and unlicensed school personnel. A supply of undesignated ready-to-use glucagon rescue therapies must be maintained in accordance with the manufacturer's instructions. A school nurse or unlicensed school personnel may administer an undesignated ready-to-use glucagon rescue therapy to a student with a known diagnosis of diabetes if the student's prescribed glucagon is not available on site or has expired.

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

The school shall provide an emergency action plan to a school employee who transports a student for school-sponsored activities. The emergency action plan must identify the student with diabetes, the potential emergencies that may occur as a result of the student's diabetes and provide the student's emergency contact information and diabetes care plan.

4. Liability. If a student is injured due to the administration of undesignated ready-to-use glucagon rescue therapy that a licensed health professional with prescribing authority has prescribed and a pharmacist has dispensed to a school under this section, the licensed health professional with prescribing authority and pharmacist may not be held responsible for the injury unless the licensed health professional or pharmacist issued or dispensed the prescription with a conscious disregard for safety.

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

5. Emergency assistance and notification. Immediately after the administration of undesignated ready-to-use glucagon rescue therapy to a student, a school employee shall call for emergency assistance, notify the school nurse and follow the emergency action plan.