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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 462
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 462's Bill Analysis](#)

Version: As Reported by House Health

Primary Sponsor: Rep. Richardson

Local Impact Statement Procedure Required: No

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Highlights

- The bill permits public and private school students to possess and use a nasal epinephrine delivery device under certain conditions and protects school employees from liability for civil damages arising from the procurement, maintenance, accessing, or use of (or prohibiting use of) such a device.
- The bill's civil immunity provision may prevent an occasional civil action from being filed or allow such an action to be disposed of more quickly, resulting in some reduction in the caseloads and expenditures of local trial courts that is not readily quantifiable.

Detailed Analysis

Student possession and use of nasal epinephrine

The bill includes epinephrine nasal spray devices within the types of epinephrine delivery systems that public or chartered nonpublic students may possess and use to treat anaphylaxis. Continuing law already permits students to possess and use epinephrine autoinjectors at school or any school-sponsored activity under certain conditions. These include (1) the student has the written approval of the prescriber of the medication and, if the student is a minor, the written approval of the parent or guardian, (2) the written approval is on file with the student's school principal or school nurse if one is assigned, and (3) the principal or nurse has received a backup dose of the medication. The bill also extends to nasal devices the requirement that a school employee must immediately request assistance from an emergency medical service provider whenever a student is administered epinephrine, whether self-administered or administered by a school employee, at school or any school-sponsored activity. These provisions are likely to have negligible, if any, fiscal effects.

Immunity from liability for damages

Continuing law protects school districts, school district board members, school district employees, and chartered nonpublic school officers, directors, and employees from liability in a civil action arising in cases in which a school employee prohibits or permits a student from using an epinephrine autoinjector because of the employee's good faith belief that the conditions described above have not or have been satisfied, respectively. Additionally, immunity is provided in the instance that an epinephrine device is used by a student for whom it was not prescribed. The bill extends this protection from liability with respect to student use of nasal epinephrine delivery devices.¹

The bill may reduce the likelihood that a civil action is filed or expedite its resolution subsequent to a finding of the court that the person or entity is protected from being sued for harm. Although not readily quantifiable, any resulting expenditure savings for local trial courts are expected to be minimal annually. It is likely that the bill's provisions will affect relatively few civil cases.

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¹ School districts, community schools, and their employees already possess immunity from liability in the performance of governmental functions through Ohio's sovereign immunity law (R.C. Chapter 2744).