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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 231  
133<sup>rd</sup> General Assembly

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsor:** Rep. Greenspan

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## SUMMARY

### Epinephrine autoinjectors in schools

- Requires the Department of Education to compile an annual list of organizations and companies that offer free and reduced cost epinephrine autoinjectors and make that list available to each school district, other public schools, and chartered nonpublic schools.

### Food allergy training and instruction

- Permits public schools to create and implement training on food allergies for all staff members and age-appropriate instructional materials for students in grades K-12.
- Grants a qualified immunity from liability for damages in a civil action for injury, death, or loss that allegedly arises from an act or omission associated with the food allergy training or instruction.

### Procurement of glucagon by schools and camps

- Permits public and nonpublic schools and camps to procure injectable or nasally administered glucagon without a license for use in emergency situations for individuals with diabetes, and specifies procedures for those that do so.
- Grants schools and camps, and their employees, contractors, and volunteers, qualified immunity from liability in civil actions for damages allegedly arising from the procurement, maintenance, access, or use of glucagon.
- Permits drug manufacturers and wholesalers to donate glucagon to schools or camps and allows schools and camps to receive financial donations from individuals for their purchase.

## Act title

- Entitles the act's provisions regarding epinephrine autoinjectors and food allergy education and staff training as the "Allison Rose Act."

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## DETAILED ANALYSIS

### Epinephrine autoinjectors in schools

The act requires the Department of Education to compile an annual list of organizations and companies that offer free and reduced cost epinephrine autoinjectors to school districts, other public schools, and chartered nonpublic schools. The Department must make this information available on its website and send a copy electronically or by mail to each district and school.<sup>1</sup>

### Food allergy training and instruction

The act expressly permits each school district, community school, and STEM school to create food allergy training for all staff members, as well as age appropriate instruction for students in grades K-12. Topics may include ways to assist someone experiencing an allergic reaction. The act specifies that this staff training qualifies as a professional development activity for the renewal of an educator's license.<sup>2</sup>

Furthermore, the act specifies that if a school board chooses to develop staff training and instruction for students on food allergies, that training may include:

1. Instruction in food allergies;
2. Signs and symptoms of anaphylaxis;
3. Prevention of allergic reactions;
4. Management and administration of epinephrine; and
5. Follow-up and reporting procedures.<sup>3</sup>

### Immunity from civil liability

The act provides a qualified immunity from liability for damages in a civil action for injury, death, or loss to person or property that allegedly arise from an act or omission associated with the food allergy training or instruction, unless that act or omission constitutes willful or wanton misconduct, for the following:

1. A school or school district;

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<sup>1</sup> R.C. 3301.135

<sup>2</sup> R.C. 3313.719(B) and (C). This section applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11, neither in the act.

<sup>3</sup> R.C. 3313.719(C).

2. A member of a district board of education;
3. A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors; and
4. An anaphylaxis training organization and its personnel where leadership includes a physician.<sup>4</sup>

## **Procurement of glucagon by schools and camps**

The act authorizes a public school, chartered or nonchartered nonpublic school, or public residential or day camp to procure a supply of glucagon for use in emergency situations without possessing a license.<sup>5</sup> Synthetic glucagon is an emergency medicine that may be injected or administered nasally to treat severe low blood sugar in persons with diabetes. Associated with this authorization, the act exempts schools and camps that procure glucagon in accordance with the act from the prohibition regarding the sale, donation, or transfer of possession of dangerous drugs.<sup>6</sup> (The act's authorization specifically applies to a residential camp, child day camp, or camp operated by a county, township, municipal corporation, township park district, park district, or joint recreation district.)

Ohio law generally prohibits the sale, donation, and possession of prescription drugs (referred to as "dangerous drugs"<sup>7</sup>) by individuals or entities except when the individual or entity is (1) exempt from the prohibition under law or (2) possesses the appropriate terminal distributor of dangerous drugs license from the State Board of Pharmacy.<sup>8</sup>

Under the act, a school or camp has two options for procuring injectable or nasally administered glucagon:<sup>9</sup>

1. Have a licensed health professional authorized to prescribe drugs (a "prescriber") personally furnish the glucagon to the school, school district, or camp or issue a prescription for the drug in the name of the school, school district, or camp; or
2. Obtain a prescriber-issued protocol that includes definitive orders for glucagon and the dosages to be administered.

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<sup>4</sup> R.C. 3301.719(E).

<sup>5</sup> R.C. 3313.7115(B), 3313.7116, 3314.147(A), 3326.60(A), 3328.38(A), and 5101.78(B).

<sup>6</sup> R.C. 4729.51(I).

<sup>7</sup> R.C. 4729.01(F).

<sup>8</sup> R.C. 4729.51.

<sup>9</sup> R.C. 3313.7115(A), 3313.7116(A), 3314.147(A), 3326.60(A), 3328.38(A), and 5101.78(B).

## **Donations from manufacturers; monetary donations**

The act permits a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs to donate glucagon to schools or camps. It also allows schools and camps to accept monetary donations to purchase the drug.<sup>10</sup>

## **Procedures for maintenance and use of glucagon**

If a school or camp elects to procure supplies of glucagon, it must adopt a policy authorizing their maintenance and use. The school or camp must consult with a prescriber to develop the policy containing procedures for the maintenance and use of injectable or nasally administered glucagon.<sup>11</sup> The policy must:<sup>12</sup>

1. Identify the one or more locations in each school or at camp in which glucagon must be stored;
2. Specify the conditions under which it must be stored, replaced, and disposed;
3. Specify the individuals employed by or under contract with a school (in addition to a school nurse or athletic trainer) or, if a camp, the employees, contractors, or volunteers, who may access and use glucagon in an emergency;
4. Specify any training that individuals (other than a school nurse or athletic trainer) must complete before being authorized to access and use glucagon;
5. Specify that assistance from an emergency medical services provider must be requested immediately after a dose of glucagon is administered; and
6. Specify the individuals to whom a dosage of glucagon may be administered in an emergency.

The act encourages a school or camp that elects to procure glucagon to maintain at least two doses of the drug.<sup>13</sup>

## **Reporting of procurement and use**

A school district or public or private school that elects to procure glucagon must report to the Department of Education each procurement and each occurrence in which a dose of the drug is used from the school's supply. Similarly, a camp must report to the Department of Job and Family Services each procurement and use of the drug.<sup>14</sup>

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<sup>10</sup> R.C. 3313.7115(F), 3313.7116(C), 3314.147(C), 3326.60(C), 3328.38(C), and 5101.78(F).

<sup>11</sup> R.C. 3313.7115(C), 3313.7116(A), 3314.147(A), 3326.60(A), 3328.38(A), and 5101.78(C).

<sup>12</sup> R.C. 3313.7115(D), 3313.7116(A), 3313.147(A), 3326.60(A), 3328.38(A), and 5101.78(D).

<sup>13</sup> R.C. 3313.7115(B), 3313.7116(A), 3314.147(A), 3326.60(A), 3328.38(A), and 5101.78(B).

<sup>14</sup> R.C. 3313.7115(G), 3313.7116(D), 3314.147(D), 3326.60(D), 3328.38(D), and 5101.78(G).

## Qualified civil immunity

The act grants qualified civil immunity to all school districts, public and nonpublic schools, and camps that elect to procure glucagon, as well as their governing authorities, employees, contractors, and volunteers, and any prescriber who personally furnishes or prescribes the glucagon, in a civil action for damages arising from an act or omission associated with procuring, maintaining, accessing, or using glucagon under the act. The immunity does not apply if the act or omission constitutes willful or wanton misconduct.<sup>15</sup>

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## HISTORY

Action	Date
Introduced	05-02-19
Reported, H. Primary & Secondary Education	12-03-20
Passed House (95-1)	12-03-20
Reported, S. Education	12-17-20
Passed Senate (32-0)	12-17-20

20-HB231-133/ec

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<sup>15</sup> R.C. 3313.7115(E), 3313.7116(B), 3314.147(B), 3326.60(B), 3328.38(B), and 5101.78(E).