

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2047

By: Stinson

6 AS INTRODUCED

7 An Act relating to schools; creating the Emerson Kate  
8 Cole Act; amending 70 O.S. 2021, Section 1-116.3,  
9 which relates to school medication policies;  
10 requiring school to call 911 if Epinephrine is  
11 administered to a student; mandating school to notify  
12 parent if student experiences possible allergic  
reaction; requiring school districts to use model  
policies; requiring annual training for certain  
teachers and school employees; prescribing content  
and method for training; providing for  
noncodification; providing an effective date; and  
declaring an emergency.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as the "Emerson Kate  
19 Cole Act".

20 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1-116.3, is  
21 amended to read as follows:

22 Section 1-116.3. A. Notwithstanding the provisions of Section  
23 1-116.2 of this title, the board of education of each school  
24 district shall adopt a policy on or before September 1, 2008, that

1 permits the self-administration of inhaled asthma medication by a  
2 student for treatment of asthma, the self-administration of  
3 anaphylaxis medication by a student for treatment of anaphylaxis and  
4 the self-administration of replacement pancreatic enzymes by a  
5 student for treatment of cystic fibrosis. The policy shall require:

6       1. The parent or guardian of the student to authorize in  
7 writing the student's self-administration of medication;

8       2. The parent or guardian of the student to provide to the  
9 school a written statement from the physician treating the student  
10 that the student has asthma, anaphylaxis or cystic fibrosis and is  
11 capable of, and has been instructed in the proper method of, self-  
12 administration of medication;

13       3. The parent or guardian of the student to provide to the  
14 school an emergency supply of the student's medication to be  
15 administered pursuant to the provisions of Section 1-116.2 of this  
16 title;

17       4. The school district to inform the parent or guardian of the  
18 student, in writing, that the school district and its employees and  
19 agents shall incur no liability as a result of any injury arising  
20 from the self-administration of medication by the student; and

21       5. The parent or guardian of the student to sign a statement  
22 acknowledging that the school district shall incur no liability as a  
23 result of any injury arising from the self-administration of  
24 medication by the student.

1       B. The school board of each school district that elects to  
2 stock Epinephrine injectors or inhalers shall amend the policy  
3 identified in subsection A of this section.

4       1. The amended policy for Epinephrine injectors shall require:

- 5           a. the school district to inform the parent or guardian  
6           of each student, in writing, that a school nurse or  
7           school employee trained by a health care professional  
8           or trained in correlation with the State Department of  
9           Health's Diabetes Management Annual School Training  
10          Program may administer, with parent or guardian  
11          permission but without a health care provider order,  
12          an Epinephrine injection to a student whom the school  
13          nurse or trained school employee in good faith  
14          believes is having an anaphylactic reaction,  
15           b. a waiver of liability executed by a parent or guardian  
16          be on file with the school district prior to the  
17          administration of an Epinephrine injection pursuant to  
18          paragraph 1 of this subsection, and  
19           c. the school district to designate the employee  
20          responsible for obtaining the Epinephrine injectors at  
21          each school site.

22       2. The amended policy for inhalers shall require:

- 23           a. the school district to inform the parent or guardian  
24           of each student, in writing, that a school nurse or

1                   school employee trained by a health care professional  
2                   may administer an inhaler to a student whom the school  
3                   nurse or trained school employee in good faith  
4                   believes is having respiratory distress,  
5                 b. the school district to designate the employee  
6                   responsible for obtaining the inhalers and spacers or  
7                   holding chambers at each school site, and  
8                 c. the school district to notify the parent or guardian  
9                   of a student after administration of an inhaler.

10                 C. The school district and its employees and agents shall incur  
11                 no liability as a result of any injury arising pursuant to the  
12                 discharge or nondischarge of the powers provided for pursuant to  
13                  subparagraph a of paragraphs 1 and 2 of subsection B of this  
14                 section.

15                 D. A licensed physician who has prescriptive authority may  
16                 write a prescription for Epinephrine injectors and inhalers and  
17                 spacers or holding chambers to the school district in the name of  
18                 the district as a body corporate specified in Section 5-105 of this  
19                 title which shall be maintained at each school site. Such physician  
20                 shall incur no liability as a result of any injury arising from the  
21                 use of the Epinephrine injectors or the inhalers and spacers or  
22                 holding chambers.

23                 E. The school district may maintain at each school a minimum of  
24                 two Epinephrine injectors and two inhalers with spacers or holding

1 chambers in a secure location. Provided, however, that nothing in  
2 this section shall be construed as creating or imposing a duty on a  
3 school district to maintain Epinephrine injectors or inhalers with  
4 spacers or holding chambers at a school site or sites.

5 F. In the event a student is believed to be having an  
6 anaphylactic reaction or respiratory distress, a school employee  
7 shall contact 911 as soon as possible. If Epinephrine is  
8 administered to a student, a school employee shall contact 911 as  
9 soon as possible. The school district shall notify the parent or  
10 guardian of any student who experiences a possible allergic reaction  
11 as soon as possible.

12 G. The State Board of Education, in consultation with the State  
13 Board of Health, shall develop model policies which school districts  
14 may shall use in compliance with this section. The model policies  
15 shall include, at a minimum, required annual training for teachers  
16 and school employees who are directly responsible for students on  
17 the topics of food allergies, recognizing anaphylaxis, and  
18 instruction on how to administer Epinephrine. The training shall be  
19 completed before the school year begins or upon hiring the teacher  
20 or school employee. Documentation certifying completion of the  
21 required training shall be retained in the personnel file of the  
22 teacher or school employee. The training may be provided online or  
23 in person by the school nurse or a recognized food allergy and  
24 anaphylaxis training program.

1       H. The State Board of Education, in consultation with the State  
2 Board of Health, shall promulgate rules to implement this section.

3       I. As used in this section:

4       1. "Medication" means a metered dose inhaler or a dry powder  
5 inhaler to alleviate asthmatic symptoms, prescribed by a physician  
6 and having an individual label, an anaphylaxis medication used to  
7 treat anaphylaxis including but not limited to Epinephrine injectors  
8 prescribed by a physician and having an individual label, or  
9 replacement pancreatic enzymes prescribed by a physician and having  
10 an individual label; ~~and~~

11       2. "Self-administration" means a student's use of medication  
12 pursuant to prescription or written direction from a physician;

13       3. "Respiratory distress" means the perceived or actual  
14 presence of coughing, wheezing or shortness of breath; and

15       4. "Inhaler" means a device that delivers a bronchodilator to  
16 alleviate symptoms of respiratory distress that is manufactured in  
17 the form of a metered-dose inhaler or dry-powder inhaler and that  
18 may include a spacer or holding chamber that attaches to the inhaler  
19 to improve the delivery of the bronchodilator.

20       J. The permission for self-administration of asthma,  
21 anaphylaxis or replacement pancreatic enzyme medication is effective  
22 for the school year for which it is granted and shall be renewed  
23 each subsequent school year upon fulfillment of the requirements of  
24 this section.

1       K. A student who is permitted to self-administer asthma,  
2 anaphylaxis or replacement pancreatic enzyme medication pursuant to  
3 this section shall be permitted to possess and use a prescribed  
4 inhaler, anaphylaxis medication including but not limited to an  
5 Epinephrine injector, or replacement pancreatic enzyme medication at  
6 all times.

7           SECTION 3. This act shall become effective July 1, 2025.

8           SECTION 4. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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13           60-1-10136       SW       12/13/24

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