

1 ENGROSSED HOUSE
2 BILL NO. 2047

By: Stinson, Archer and Roe of
the House

3 and

4 Hines of the Senate

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6
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 eliminating references to epinephrine injectors;
11 eliminating reference to certain training program;
12 modifying certain policy provisions regarding parent
13 permissions; requiring school to call 911 if
Epinephrine is administered to a student; mandating
school to notify 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; and
providing for noncodification.

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

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

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

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

23 Section 1-116.3. A. Notwithstanding the provisions of Section
24 1-116.2 of this title, the board of education of each school

1 district shall adopt a policy on or before September 1, 2008, that
2 permits the self-administration of inhaled asthma medication by a
3 student for treatment of asthma, the self-administration of
4 anaphylaxis medication by a student for treatment of anaphylaxis and
5 the self-administration of replacement pancreatic enzymes by a
6 student for treatment of cystic fibrosis. The policy shall require:

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

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

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

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

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

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

6 1. The amended policy for Epinephrine ~~injectors~~ shall require:

7 a. the school district to inform the parent or guardian
8 of each student, in writing, that a school nurse or
9 school employee trained by a health care professional
10 or trained ~~in correlation with the State Department of~~
11 ~~Health's Diabetes Management Annual School Training~~
12 Program pursuant to subsection G of this section may
13 administer, ~~with parent or guardian permission but~~
14 ~~without a health care provider order, an Epinephrine~~
15 ~~injection~~ to a student whom the school nurse or
16 trained school employee in good faith believes is
17 having an anaphylactic reaction,

18 b. a waiver of liability executed by a parent or guardian
19 be on file with the school district prior to the
20 administration of ~~an~~ Epinephrine ~~injection~~ pursuant to
21 paragraph 1 of this subsection, and

22 c. the school district to designate the employee
23 responsible for obtaining the Epinephrine ~~injectors~~ at
24 each school site.

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

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

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

3 E. The school district may maintain at each school a minimum of
4 two Epinephrine injectors devices and two inhalers with spacers or
5 holding chambers in a secure location. Provided, however, that
6 nothing in this section shall be construed as creating or imposing a
7 duty on a school district to maintain Epinephrine injectors or
8 inhalers with spacers or holding chambers at a school site or sites.

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

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

1 required training shall be retained in the personnel file of the
2 teacher or school employee. The training may be provided online or
3 in person by the school nurse or a recognized food allergy and
4 anaphylaxis training program.

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

7 I. As used in this section:

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

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

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

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

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

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

Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2025.

Presiding Officer of the Senate