

SENATE FLOOR VERSION

April 15, 2025

ENGROSSED HOUSE
BILL NO. 2047

By: Stinson, Archer, Roe, and
Miller of the House

and

Hines of the Senate

An Act relating to schools; creating the Emerson Kate Cole Act; amending 70 O.S. 2021, Section 1-116.3, which relates to school medication policies; eliminating references to epinephrine injectors; eliminating reference to certain training program; modifying certain policy provisions regarding parent 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.

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

SECTION 1. NEW LAW A new section of law not to be

codified in the Oklahoma Statutes reads as follows:

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

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

1 Section 1-116.3. A. Notwithstanding the provisions of Section
2 1-116.2 of this title, the board of education of each school
3 district shall adopt a policy on or before September 1, 2008, that
4 permits the self-administration of inhaled asthma medication by a
5 student for treatment of asthma, the self-administration of
6 anaphylaxis medication by a student for treatment of anaphylaxis and
7 the self-administration of replacement pancreatic enzymes by a
8 student for treatment of cystic fibrosis. The policy shall require:

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

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

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

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

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

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

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

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

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

1 c. the school district to designate the employee
2 responsible for obtaining the Epinephrine ~~injectors~~ at
3 each school site.

4 2. The amended policy for inhalers 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 may administer an inhaler to a student whom the school
9 nurse or trained school employee in good faith
10 believes is having respiratory distress,
11 b. the school district to designate the employee
12 responsible for obtaining the inhalers and spacers or
13 holding chambers at each school site, and
14 c. the school district to notify the parent or guardian
15 of a student after administration of an inhaler.

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

21 D. A licensed physician who has prescriptive authority may
22 write a prescription for Epinephrine ~~injectors~~ and inhalers and
23 spacers or holding chambers to the school district in the name of
24 the district as a body corporate specified in Section 5-105 of this

1 title which shall be maintained at each school site. Such physician
2 shall incur no liability as a result of any injury arising from the
3 use of ~~the~~ Epinephrine ~~injectors~~ or the inhalers and spacers or
4 holding chambers.

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

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

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

1 completed before the school year begins or upon hiring the teacher
2 or school employee. Documentation certifying completion of the
3 required training shall be retained in the personnel file of the
4 teacher or school employee. The training may be provided online or
5 in person by the school nurse or a recognized food allergy and
6 anaphylaxis training program.

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

9 I. As used in this section:

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

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

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

21 4. "Inhaler" means a device that delivers a bronchodilator to
22 alleviate symptoms of respiratory distress that is manufactured in
23 the form of a metered-dose inhaler or dry-powder inhaler and that

1 may include a spacer or holding chamber that attaches to the inhaler
2 to improve the delivery of the bronchodilator.

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
15 April 15, 2025 - DO PASS

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