COMMITTEE REPORT

April 10, 2014

**H. 4914**

Introduced by Reps. Henderson, K.R. Crawford, Atwater, Spires, Gagnon, Lowe, Ridgeway and Thayer

S. Printed 4/10/14--H.

Read the first time March 12, 2014.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4914) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑63‑97 so as to authorize certain school personnel to administer midazolam intranasally to students, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PHILLIP D. OWENS for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑97 SO AS TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO ADMINISTER MIDAZOLAM INTRANASALLY TO STUDENTS WITH A SEIZURE CONDITION; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO ADMINISTRATION OF MIDAZOLAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑97. (A) As used in this section, and unless the specific context indicates otherwise:

(1) ‘Designated school personnel’ means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school to administer midazolam intranasally to a student experiencing a seizure who has completed the training required by the governing authority of the school to administer midazolam to a student.

(2) ‘Governing authority of a school’ means the board of trustees of a school district or the board of trustees of a private school.

(3) ‘Midazolam’ means a short‑acting drug that is used for, among other purposes, treating acute seizures.

(4) ‘School’ means a public or private school.

(B) The governing authority of a school district or private school shall authorize school nurses and other designated school personnel to administer on school grounds and at school‑sponsored events midazolam intranasally to a student having a seizure, in accordance with subsection (C).

(C) Notwithstanding another provision of law, a school nurse or other designated personnel shall administer midazolam intranasally to a student having a seizure if the:

(1) student’s parent or guardian has provided the school a signed and dated letter of consent that authorizes the school to administer midazolam intranasally to the student, and the authorization is not older than one year;

(2) midazolam was prescribed by a physician and is contained in the original packaging with the appropriate pharmacy label or in a secure package containing a note from the prescribing physician or pharmacist that appropriately identifies the medicine as midazolam;

(3) midazolam is administered as directed in writing by the child’s physician; and

(4) prescription has not expired.

(D) School governing authorities and school employees and agents, including nurses and other designated school personnel who administer midazolam intranasally to a student, are not liable for damages for injuries that result from the administration of midazolam to a student in accordance with the written authorization and prescription on file with the school. This immunity does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct.

(E) Governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, shall develop prior to September 1, 2014, school procedures and protocol to ensure compliance with subsection (C).

(F) The administration of midazolam intranasally to a student having a seizure pursuant to this section is not the practice of medicine or nursing. The immunity from liability provided pursuant to subsection (D) is in addition to, and not in lieu of, immunity provided pursuant to Section 15‑1‑310 or 15‑78‑10.”

SECTION 2. This act takes effect upon approval of the Governor.

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