

State Law Citation: Kansas Statutes sect. 65-1680, 65-2872b and 72-6283; online statutes have not been updated yet, please refer to [Kansas House Bill 2547](#) until then.

**65-1680.**

(a) A pharmacist may distribute a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of standard-dose or pediatric-dose epinephrine auto-injectors to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.

(b) A pharmacist may distribute a stock supply of albuterol metered-dose inhalers, albuterol solution and spacers to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of albuterol metered-dose inhalers, albuterol solution or spacers to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.

(c) The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.

**65-2872b.**

(a) The practice of the healing arts shall not be construed to include any person administering epinephrine or albuterol in emergency situations to an individual if:

(1) (A) The person administering the epinephrine reasonably believes that individual is exhibiting the signs and symptoms of an anaphylactic reaction; or

(B) the person administering the albuterol reasonably believes that the individual is exhibiting the signs and symptoms of respiratory distress;

(2) a physician or mid-level practitioner, after reviewing the school's policies and procedures, has authorized, in writing, the school to maintain a stock supply of emergency medication; and

(3) the emergency medication is administered at school, on school property or at a school-sponsored event.

(b) Any person who in good faith renders emergency care or treatment, without compensation, through the administration of emergency medication to an individual at school, on school property or at a school-sponsored event, and any school that employs or contracts such person shall not be held liable for any civil damages as a result of such care or administration or as a result of any act or failure to act in providing or arranging further medical treatment ~~where~~ when the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(c) A physician or mid-level practitioner who writes a prescription for emergency medication or provides training to school personnel on the administration of emergency medication shall not be liable for civil damages resulting from the administration of emergency medication pursuant to this section, K.S.A. 65-1680 or 72-6283, and amendments thereto.

(d) The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.

### **72-6283.**

(a) As used in this section, K.S.A. 65-1680 and 65-2872b, and amendments thereto:

(1) "Albuterol" means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress.

(2) "Albuterol metered-dose inhaler" means a portable drug delivery system containing a canister of multiple premeasured doses of albuterol in a device actuator.

(3) "Albuterol solution" means a liquid form of albuterol for use with a nebulizer.

(4) "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe and potentially life-threatening multi-system allergic reaction.

(5) "Designated school personnel" means an employee, officer, agent or volunteer of a school who has completed training, documented by the school nurse, a physician or a mid-level practitioner, to administer emergency medication on a voluntary basis outside of the scope of employment.

(6) "Emergency medication" means epinephrine or albuterol.

(7) "Epinephrine" means a medication prescribed by a physician or mid-level practitioner for the emergency treatment of anaphylaxis prior to the arrival of emergency medical system responders.

(8) "Epinephrine auto-injector" means a device that automatically injects a premeasured dose of epinephrine.

(9) "Mid-level practitioner" means the same as such term is defined in K.S.A. 65-1626, and amendments thereto.

(10) "Nebulizer" means a device that is used to change a liquid medication to a fine spray of liquid or mist for the administration of the medication through inhalation.

(11) "Pharmacist" means the same as such term is defined in K.S.A. 65-1626, and amendments thereto.

(12) "Physician" means any person licensed by the state board of healing arts to practice medicine and surgery.

(13) "Respiratory distress" means impaired ventilation of the respiratory system or impaired oxygenation of the blood.

(14) "School" means any school operated by a school district organized under the laws of this state or any accredited nonpublic school that provides education to elementary or secondary students.

(15) "School nurse" means a registered nurse licensed by the board of nursing to practice nursing in Kansas or a licensed practical nurse working under a registered nurse who is employed by a school to perform nursing services in a school setting.

(16) "Spacer" means a holding chamber that is used to optimize the delivery of aerolized albuterol from an albuterol metered-dose inhaler.

(17) "Stock supply" means an appropriate quantity of emergency medication as recommended by a physician or mid-level practitioner.

(b) (1) A school may maintain a stock supply of emergency medication upon obtaining a prescription from a physician or mid-level practitioner in the name of the school. A physician or mid-level practitioner shall review the school's policies and procedures established pursuant to subsection (c) prior to prescribing such emergency medication.

(2) A stock supply of epinephrine may consist of one or more standard-dose or pediatric-dose epinephrine auto-injectors. A school nurse or designated school personnel may administer such epinephrine in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of an anaphylactic reaction.

(3) A stock supply of albuterol may consist of one or more albuterol metered-dose inhalers, one or more doses of albuterol solution and one or more spacers or nebulizers. A school nurse or designated school personnel may administer such albuterol in an emergency situation to any individual who displays the signs and symptoms of respiratory distress at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of respiratory distress.

(c) A school that maintains a stock supply of emergency medication shall establish school policies and procedures relating to:

(1) Storage of the emergency medication, which shall require that the emergency medication is stored:

(A) In a safe location that is readily accessible to the school nurse or designated school personnel; and

(B) in accordance with manufacturer temperature recommendations;

(2) periodic monitoring of the inventory and expiration dates of emergency medication;

(3) administration of emergency medication by designated school personnel; and

(4) training requirements for designated school personnel, which shall be conducted by a school nurse, physician or mid-level practitioner on not less than on an annual basis for such designated school personnel. Such training shall include, but not be limited to, the following:

(A) Recognition of the symptoms of anaphylaxis and respiratory distress;

(B) administration of emergency medication;

(C) calling for emergency medical system responders;


(D) monitoring the condition of an individual after emergency medication has been administered;

(E) notification of the parent, guardian or next of kin; and

(F) safe disposal and sanitation of used equipment.

(d) A school shall publish information related to the school's emergency medication policies and procedures and shall maintain records of the training provided to designated school personnel.

(e) A school may accept monetary gifts, grants and donations to carry out the provisions of this section or may accept epinephrine auto-injectors, albuterol metered-



dose inhalers, albuterol solution, spacers or nebulizers from a manufacturer or wholesaler.