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MEMORANDUM

TO: District School Superintendents

FROM: Jeanine Blomberg, Chief of Staff

DATE: July 21, 2005

SUBJECT: 2005 Legislation: HB 279 "Kelsey Ryan Act"

Contact Information:

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K12: 2005-93

Coordinating efforts for a seamless education system that promotes student achievement in a safe learning environment continues to be a major focus of the Department of Education. House Bill (HB) 279 passed and was signed into law by the Governor due to an increasing number of students with life-threatening allergies. The legislation amends Section 1002.20, Florida Statutes. A copy of the enrolled bill is attached.

The "Kelsey Ryan Act" specifies that a public school student who has life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. A severe life-threatening allergic reaction is called anaphylaxis. Anaphylaxis is a medical emergency and may be fatal.

Key provisions of the legislation include the following:

- This legislation amends subsection (3) Health Issues of section 1002.20, Florida Statutes, to add paragraph (i) for epinephrine use.
- The State Board of Education, in cooperation with the Department of Health, shall adopt rules for the use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors.

JEANINE BLOMBERG
CHIEF OF STAFF

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- A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified (held harmless) by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector.

In accordance with current Florida law, many of Florida's school districts have adopted policies and procedures regarding administration of emergency injectable medication. Section 1006.062, Florida Statutes, and Rule 64F-6.004, Florida Administrative Code, require successful completion of child-specific training, as well as first aid and cardiopulmonary resuscitation (CPR) provisions consistent with implementation of HB 279.

As this Act takes effect January 1, 2006, we look forward to working with you and appreciate your continued efforts to ensure a safe learning environment for all students. If you have questions regarding implementation of this legislation, please contact Ms. Dianne Mennitt, School Nurse Consultant, via email at dmennitt@tempest.coedu.usf.edu or by telephone at (850) 922-3735, SunCom 292-3735.

JB/dm

Attachments: HB 279 (Enrolled)
Section 1006.062, Florida Statutes
Rule 64F-6.004, Florida Administrative Code

cc: District School Health Coordinators
District Student Services Directors
Sylvia Byrd, Executive Nursing Director for School Health