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RWH 4-23-08

P.L. 2007, CHAPTER 57, *approved March 16, 2007*  
Senate, No. 79 (*Second Reprint*)

1 AN ACT concerning the administration of epinephrine for certain  
2 students, amending P.L.1993, c.308 and amending and  
3 supplementing P.L.1997, c.368.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to  
9 read as follows:

10 1. a. A board of education or the governing board or chief  
11 school administrator of a nonpublic school shall permit the self-  
12 administration of medication by a pupil for asthma or other  
13 potentially life-threatening illnesses or a life-threatening allergic  
14 reaction provided that:

15 (1) the parents or guardians of the pupil provide to the board of  
16 education or the governing board or chief school administrator of a  
17 nonpublic school written authorization for the self-administration of  
18 medication;

19 (2) the parents or guardians of the pupil provide to the board of  
20 education or the governing board or chief school administrator of a  
21 nonpublic school written certification from the physician of the  
22 pupil that the pupil has asthma or another potentially life-  
23 threatening illness or is subject to a life-threatening allergic reaction  
24 and is capable of, and has been instructed in, the proper method of  
25 self-administration of medication;

26 (3) the board of education or the governing board or chief  
27 school administrator of a nonpublic school informs the parents or  
28 guardians of the pupil in writing that the district and its employees  
29 or agents or the nonpublic school and its employees or agents shall  
30 incur no liability as a result of any injury arising from the self-  
31 administration of medication by the pupil;

32 (4) the parents or guardians of the pupil sign a statement  
33 acknowledging that the district or the nonpublic school shall incur  
34 no liability as a result of any injury arising from the self-  
35 administration of medication by the pupil and that the parents or  
36 guardians shall indemnify and hold harmless the district and its  
37 employees or agents or the nonpublic school and its employees or  
38 agents against any claims arising out of the self-administration of  
39 medication by the pupil; and

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted June 8, 2006.

<sup>2</sup>Senate amendments adopted in accordance with Governor's recommendations February 5, 2007.

1 (5) the permission is effective for the school year for which it is  
2 granted and is renewed for each subsequent school year upon  
3 fulfillment of the requirements in paragraphs (1) through (4) of this  
4 subsection.

5 b. Notwithstanding any other law or regulation to the contrary,  
6 a pupil who is permitted to self-administer medication under the  
7 provisions of this section shall be permitted to carry an inhaler or  
8 prescribed medication for allergic reactions, including a pre-filled  
9 '[ , single dose]' auto-injector mechanism, at all times, provided  
10 that the pupil does not endanger himself or other persons through  
11 misuse.

12 c. Any person who acts in good faith in accordance with the  
13 requirements of this act shall be immune from any civil or criminal  
14 liability arising from actions performed pursuant to this act.

15 (cf: P.L.2001, c.61, s.1)

16

17 2. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to  
18 read as follows:

19 1. Each board of education or chief school administrator of a  
20 nonpublic school shall develop a policy in accordance with the  
21 guidelines established by the Department of Education pursuant to  
22 section 4 of P.L. , c. (C. ) (pending before the Legislature  
23 as this bill) for the emergency administration of epinephrine via  
24 '[epi-pen] a pre-filled auto-injector mechanism' to a pupil for  
25 anaphylaxis provided that:

26 a. the parents or guardians of the pupil provide to the board of  
27 education or chief school administrator of a nonpublic school  
28 written authorization for the administration of the '[epi-pen]  
29 epinephrine';

30 b. the parents or guardians of the pupil provide to the board of  
31 education or chief school administrator of a nonpublic school  
32 written orders from the physician or advanced practice nurse that  
33 the pupil requires the administration of epinephrine for anaphylaxis  
34 [and does not have the capability for self-administration of the  
35 medication];

36 c. the board or chief school administrator of a nonpublic school  
37 informs the parents or guardians of the pupil in writing that '[if the  
38 procedures specified in this section are followed,]' the district and  
39 its employees or agents or the nonpublic school and its employees  
40 or agents shall have no liability as a result of any injury arising  
41 from the administration of the '[epi-pen to the pupil] epinephrine  
42 via a pre-filled auto-injector mechanism';

43 d. the parents or guardians of the pupil sign a statement  
44 acknowledging their understanding that '[if the procedures  
45 specified in this section are followed,]' the district or the nonpublic  
46 school shall have no liability as a result of any injury arising from

1 the administration of the '[epi-pen] epinephrine via a pre-filled  
2 auto-injector mechanism' to the pupil and that the parents or  
3 guardians shall indemnify and hold harmless the district and its  
4 employees or agents or the nonpublic school and its employees or  
5 agents against any claims arising out of the administration of the  
6 '[epi-pen to the pupil] epinephrine via a pre-filled auto-injector  
7 mechanism' ; and

8 e. the permission is effective for the school year for which it is  
9 granted and is renewed for each subsequent school year upon  
10 fulfillment of the requirements in subsections a. through d. of this  
11 section.

12 The policy developed by a board of education or chief school  
13 administrator of a nonpublic school shall require ':

14 (1)' the placement of 'a pupil's prescribed' epinephrine in  
15 '[each classroom where a student who may require the emergency  
16 administration of epinephrine for anaphylaxis is in attendance] a  
17 secure but unlocked location easily accessible by the school nurse  
18 and designees to ensure prompt availability in the event of an  
19 allergic emergency at school or at a school-sponsored function. The  
20 location of the epinephrine shall be indicated on the pupil's  
21 emergency care plan. Back-up epinephrine shall also be available  
22 at the school if needed;

23 (2) the school nurse or designee to be promptly available on site  
24 at the school and school-sponsored functions in the event of an  
25 allergic reaction; and.

26 (3) the transportation of the pupil to a hospital emergency room  
27 by emergency services personnel after the administration of  
28 epinephrine, even if the pupil's symptoms appear to have resolved'.  
29 (cf: P.L.1997, c.368, s.1)

30  
31 3. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to  
32 read as follows:

33 2. The policy for the administration of medication to a pupil  
34 shall provide that the school nurse shall have the primary  
35 responsibility for the administration of the '[epi-pen] epinephrine'.  
36 The school nurse '[may] shall' designate, in consultation with the  
37 board of education, or chief school administrator of a nonpublic  
38 school [another employee] additional employees of the school  
39 district or nonpublic school 'who volunteer' to administer  
40 epinephrine via '[epi-pen] a pre-filled auto-injector mechanism' to  
41 a pupil for anaphylaxis when the nurse is not physically present at  
42 the scene '[, provided] . The school nurse shall determine' that:

43 a. the [designated person has] designees have been properly  
44 trained in the administration of the '[epi-pen by the school nurse]  
45 epinephrine via a pre-filled auto-injector mechanism' using  
46 standardized training protocols established by the Department of

1 Education in consultation with the Department of Health and Senior  
2 Services;

3 b. the parents or guardians of the pupil consent in writing to the  
4 administration of the '[epi-pen] epinephrine via a pre-filled auto-  
5 injector mechanism' by the [designated individual] designees;

6 c. the board or chief school administrator of a nonpublic school  
7 informs the parents or guardians of the pupil in writing that '[if the  
8 procedures specified in this section are followed,]' the district and  
9 its employees or agents or the nonpublic school and its employees  
10 and agents shall have no liability as a result of any injury arising  
11 from the administration of the '[epi-pen] epinephrine' to the pupil;

12 d. the parents or guardians of the pupil sign a statement  
13 acknowledging their understanding that '[if the procedures  
14 specified in this section are followed,]' the district or nonpublic  
15 school shall have no liability as a result of any injury arising from  
16 the administration of the '[epi-pen] epinephrine via a pre-filled  
17 auto-injector mechanism' to the pupil and that the parents or  
18 guardians shall indemnify and hold harmless the district and its  
19 employees or agents against any claims arising out of the  
20 administration of the '[epi-pen] epinephrine via a pre-filled auto-  
21 injector mechanism' to the pupil; and

22 e. the permission is effective for the school year for which it is  
23 granted and is renewed for each subsequent school year upon  
24 fulfillment of the requirements in subsections a. through d. of this  
25 section.

26 The Department of Education, in consultation with the  
27 Department of Health and Senior Services, shall '[establish a ratio  
28 of] require' trained designees '[to] for' students enrolled in a  
29 school who may require the emergency administration of  
30 epinephrine for anaphylaxis '[. The number of designees trained  
31 by the nurse shall be in accordance with that ratio] when the school  
32 nurse is not available' .

33 Nothing in this section shall be construed to prohibit the  
34 emergency administration of epinephrine via '[epi-pen] a pre-filled  
35 auto-injector mechanism' to a pupil for anaphylaxis by the school  
36 nurse or other employees designated pursuant to this section when  
37 the pupil is authorized to self-administer epinephrine pursuant to  
38 section 1 of P.L.1993, c.308 (C.18A:40-12.3) ', or when there is a  
39 coexisting diagnosis of asthma, or when a prescription is received  
40 from a licensed health care professional for epinephrine coupled  
41 with another form of medication' .

42 (cf: P.L.1997, c.368, s.2)

43  
44 4. (New section) The Department of Education, in consultation  
45 with the Department of Health and Senior Services, 'appropriate  
46 medical experts, and professional organizations representing school

1 nurses, principals, teachers, and the food allergy community,<sup>1</sup> shall  
2 establish 'and disseminate to each board of education and chief  
3 school administrator of a nonpublic school' guidelines for the  
4 development of a policy by a school district or nonpublic school for  
5 the 'management of food allergies in the school setting and the'  
6 emergency administration of epinephrine to students for  
7 anaphylaxis. **['The guidelines shall address issues including, but**  
8 **not limited to, the responsibilities of the school, the parent or**  
9 **guardian, and the student for the emergency administration of**  
10 **epinephrine. The Commissioner of Education shall disseminate the**  
11 **guidelines to each board of education and chief school administrator**  
12 **of a nonpublic school, and the policy adopted by a board of**  
13 **education or chief school administrator of a nonpublic school**  
14 **pursuant to section 1 of P.L.1997, c.368 (C.18A:40-12.5) shall**  
15 **conform to those guidelines.】'**  
16

17 **'[5. (New section) The board of education or chief school**  
18 **administrator of a nonpublic school, in consultation with the parents**  
19 **or guardians of children enrolled in the school district or nonpublic**  
20 **school who may require the emergency administration of**  
21 **epinephrine for anaphylaxis, shall develop a district or school plan**  
22 **that outlines procedures to be followed to reduce the potential for**  
23 **student exposure to allergens. The school nurse shall work with the**  
24 **parents or guardians of affected students to develop the plan which**  
25 **shall be updated annually.】'**  
26

27 '5. (New section) Each board of education and chief school  
28 administrator of a nonpublic school shall implement in the schools  
29 of the district or the nonpublic school the guidelines established and  
30 disseminated pursuant to section 4 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill).'<sup>1</sup>  
32

33 '6. (New section) a. In an effort to assist the certified school  
34 nurse in recruiting and training additional school employees as  
35 volunteer designees to administer epinephrine for anaphylaxis when  
36 the school nurse is not physically present, the Department of  
37 Education and the Department of Health and Senior Services shall  
38 jointly develop training protocols, in consultation with the New  
39 Jersey School Nurses Association.

40 b. The certified school nurse, in consultation with the board of  
41 education or the chief school administrator of a nonpublic school,  
42 shall recruit and train volunteer designees who are determined  
43 acceptable candidates by the school nurse within each school  
44 building as deemed necessary by the nursing service plan.'<sup>1</sup>

1       <sup>2</sup>[<sup>1</sup>7. (New section) No action of any kind in any court of  
2 competent jurisdiction or before the New Jersey State Board of  
3 Nursing shall lie against any school employee, including a school  
4 nurse, or any other officer or agent of a board of education or  
5 nonpublic school because of any action taken by virtue of the  
6 provisions of P.L.1997, c.368 (C.18A:40-12.5 et seq.).<sup>1</sup><sup>2</sup>

7  
8       <sup>2</sup>7. (New section) No school employee, including a school  
9 nurse, or any other officer or agent of a board of education or  
10 nonpublic school shall be held liable for any good faith act or  
11 omission consistent with the provisions of P.L.1997, c.368  
12 (C.18A:40-12.5 et seq.), nor shall an action before the New Jersey  
13 State Board of Nursing lie against a school nurse for any such  
14 action taken by a person designated in good faith by the school  
15 nurse pursuant to section 2 of P.L.1997, c.368 (C.18A:40-12.6).  
16 Good faith shall not include willful misconduct, gross negligence or  
17 recklessness.<sup>2</sup>

18  
19       <sup>1</sup>[6.] 8.<sup>1</sup> This act shall take effect immediately.

20

21

22

23

24       Clarifies the law concerning the emergency administration of  
25 epinephrine to students for anaphylaxis.



# SENATE, No. 79

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Co-Sponsored by:**

**Senators Martin, Sweeney, Coniglio, McNamara and Sarlo**

**SYNOPSIS**

Clarifies law concerning the emergency administration of epinephrine to students for anaphylaxis, increases number of delegates trained to administer epinephrine, and requires plan to reduce student exposure to allergens.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 6/9/2006)**

1 AN ACT concerning the administration of epinephrine for certain  
2 students, amending P.L.1993, c.308 and amending and  
3 supplementing P.L.1997, c.368.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to  
9 read as follows:

10 1. a. A board of education or the governing board or chief  
11 school administrator of a nonpublic school shall permit the self-  
12 administration of medication by a pupil for asthma or other  
13 potentially life-threatening illnesses or a life-threatening allergic  
14 reaction provided that:

15 (1) the parents or guardians of the pupil provide to the board of  
16 education or the governing board or chief school administrator of a  
17 nonpublic school written authorization for the self-administration of  
18 medication;

19 (2) the parents or guardians of the pupil provide to the board of  
20 education or the governing board or chief school administrator of a  
21 nonpublic school written certification from the physician of the  
22 pupil that the pupil has asthma or another potentially life-  
23 threatening illness or is subject to a life-threatening allergic reaction  
24 and is capable of, and has been instructed in, the proper method of  
25 self-administration of medication;

26 (3) the board of education or the governing board or chief school  
27 administrator of a nonpublic school informs the parents or  
28 guardians of the pupil in writing that the district and its employees  
29 or agents or the nonpublic school and its employees or agents shall  
30 incur no liability as a result of any injury arising from the self-  
31 administration of medication by the pupil;

32 (4) the parents or guardians of the pupil sign a statement  
33 acknowledging that the district or the nonpublic school shall incur  
34 no liability as a result of any injury arising from the self-  
35 administration of medication by the pupil and that the parents or  
36 guardians shall indemnify and hold harmless the district and its  
37 employees or agents or the nonpublic school and its employees or  
38 agents against any claims arising out of the self-administration of  
39 medication by the pupil; and

40 (5) the permission is effective for the school year for which it is  
41 granted and is renewed for each subsequent school year upon  
42 fulfillment of the requirements in paragraphs (1) through (4) of this  
43 subsection.

44 b. Notwithstanding any other law or regulation to the contrary, a  
45 pupil who is permitted to self-administer medication under the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provisions of this section shall be permitted to carry an inhaler or  
2 prescribed medication for allergic reactions, including a pre-filled,  
3 single dose auto-injector mechanism, at all times, provided that the  
4 pupil does not endanger himself or other persons through misuse.

5 c. Any person who acts in good faith in accordance with the  
6 requirements of this act shall be immune from any civil or criminal  
7 liability arising from actions performed pursuant to this act.  
8 (cf: P.L.2001, c.61, s.1)

9  
10 2. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to  
11 read as follows:

12 1. Each board of education or chief school administrator of a  
13 nonpublic school shall develop a policy in accordance with the  
14 guidelines established by the Department of Education pursuant to  
15 section 4 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
16 Legislature as this bill) for the emergency administration of  
17 epinephrine via epi-pen to a pupil for anaphylaxis provided that:

18 a. the parents or guardians of the pupil provide to the board of  
19 education or chief school administrator of a nonpublic school  
20 written authorization for the administration of the epi-pen;

21 b. the parents or guardians of the pupil provide to the board of  
22 education or chief school administrator of a nonpublic school  
23 written orders from the physician or advanced practice nurse that  
24 the pupil requires the administration of epinephrine for anaphylaxis  
25 **[and does not have the capability for self-administration of the**  
26 **medication];**

27 c. the board or chief school administrator of a nonpublic school  
28 informs the parents or guardians of the pupil in writing that if the  
29 procedures specified in this section are followed, the district and its  
30 employees or agents or the nonpublic school and its employees or  
31 agents shall have no liability as a result of any injury arising from  
32 the administration of the epi-pen to the pupil;

33 d. the parents or guardians of the pupil sign a statement  
34 acknowledging their understanding that if the procedures specified  
35 in this section are followed, the district or the nonpublic school  
36 shall have no liability as a result of any injury arising from the  
37 administration of the epi-pen to the pupil and that the parents or  
38 guardians shall indemnify and hold harmless the district and its  
39 employees or agents or the nonpublic school and its employees or  
40 agents against any claims arising out of the administration of the  
41 epi-pen to the pupil; and

42 e. the permission is effective for the school year for which it is  
43 granted and is renewed for each subsequent school year upon  
44 fulfillment of the requirements in subsections a. through d. of this  
45 section.

46 The policy developed by a board of education or chief school  
47 administrator of a nonpublic school shall require the placement of

1 epinephrine in each classroom where a student who may require the  
2 emergency administration of epinephrine for anaphylaxis is in  
3 attendance.

4 (cf: P.L.1997, c.368, s.1)

5

6 3. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to  
7 read as follows:

8 2. The policy for the administration of medication to a pupil  
9 shall provide that the school nurse shall have the primary  
10 responsibility for the administration of the epi-pen. The school  
11 nurse may designate, in consultation with the board of education, or  
12 chief school administrator of a nonpublic school **[another**  
13 **employee]** additional employees of the school district or nonpublic  
14 school to administer epinephrine via epi-pen to a pupil for  
15 anaphylaxis when the nurse is not physically present at the scene,  
16 provided that:

17 a. the **[designated person has]** designees have been properly  
18 trained in the administration of the epi-pen by the school nurse  
19 using standardized training protocols established by the Department  
20 of Education in consultation with the Department of Health and  
21 Senior Services;

22 b. the parents or guardians of the pupil consent in writing to the  
23 administration of the epi-pen by the **[designated individual]**  
24 designees;

25 c. the board or chief school administrator of a nonpublic school  
26 informs the parents or guardians of the pupil in writing that if the  
27 procedures specified in this section are followed, the district and its  
28 employees or agents or the nonpublic school and its employees and  
29 agents shall have no liability as a result of any injury arising from  
30 the administration of the epi-pen to the pupil;

31 d. the parents or guardians of the pupil sign a statement  
32 acknowledging their understanding that if the procedures specified  
33 in this section are followed, the district or nonpublic school shall  
34 have no liability as a result of any injury arising from the  
35 administration of the epi-pen to the pupil and that the parents or  
36 guardians shall indemnify and hold harmless the district and its  
37 employees or agents against any claims arising out of the  
38 administration of the epi-pen to the pupil; and

39 e. the permission is effective for the school year for which it is  
40 granted and is renewed for each subsequent school year upon  
41 fulfillment of the requirements in subsections a. through d. of this  
42 section.

43 The Department of Education, in consultation with the  
44 Department of Health and Senior Services, shall establish a ratio of  
45 trained designees to students enrolled in a school who may require  
46 the emergency administration of epinephrine for anaphylaxis. The  
47 number of designees trained by the nurse shall be in accordance

1 with that ratio.

2 Nothing in this section shall be construed to prohibit the  
3 emergency administration of epinephrine via epi-pen to a pupil for  
4 anaphylaxis by the school nurse or other employees designated  
5 pursuant to this section when the pupil is authorized to self-  
6 administer epinephrine pursuant to section 1 of P.L.1993, c.308  
7 (C.18A:40-12.3).

8 (cf: P.L.1997, c.368, s.2)

9  
10 4. (New section) The Department of Education, in consultation  
11 with the Department of Health and Senior Services, shall establish  
12 guidelines for the development of a policy by a school district or  
13 nonpublic school for the emergency administration of epinephrine  
14 to students for anaphylaxis. The guidelines shall address issues  
15 including, but not limited to, the responsibilities of the school, the  
16 parent or guardian, and the student for the emergency  
17 administration of epinephrine. The Commissioner of Education  
18 shall disseminate the guidelines to each board of education and  
19 chief school administrator of a nonpublic school, and the policy  
20 adopted by a board of education or chief school administrator of a  
21 nonpublic school pursuant to section 1 of P.L.1997, c.368  
22 (C.18A:40-12.5) shall conform to those guidelines.

23  
24 5. (New section) The board of education or chief school  
25 administrator of a nonpublic school, in consultation with the parents  
26 or guardians of children enrolled in the school district or nonpublic  
27 school who may require the emergency administration of  
28 epinephrine for anaphylaxis, shall develop a district or school plan  
29 that outlines procedures to be followed to reduce the potential for  
30 student exposure to allergens. The school nurse shall work with the  
31 parents or guardians of affected students to develop the plan which  
32 shall be updated annually.

33  
34 6. This act shall take effect immediately.

35  
36

37 STATEMENT

38  
39 This bill clarifies the provisions of law regarding the emergency  
40 administration of epinephrine. Under current law, a board of  
41 education or the governing board or chief school administrator of a  
42 nonpublic school must permit the self-administration of medication  
43 by a pupil for asthma or other potentially life-threatening illnesses  
44 provided that certain conditions are met. This bill clarifies that a  
45 pupil may also self-administer medication for a life-threatening  
46 allergic reaction.

47 A separate law directs school districts and nonpublic schools to  
48 develop a policy for the emergency administration of epinephrine.

1 That law provides that the school nurse has the primary  
2 responsibility for the administration of the epinephrine but also  
3 allows the nurse, in consultation with the board of education or the  
4 chief school administrator of a nonpublic school, to designate  
5 another employee of the school district or nonpublic school to  
6 administer the epinephrine for anaphylaxis when the school nurse is  
7 not physically present. Certain school districts and nonpublic  
8 schools have interpreted this law to prohibit the administration of  
9 epinephrine by the school nurse or other designated employee for  
10 pupils who are authorized to self-administer the epinephrine. This  
11 "either/or" policy adopted by some school districts and nonpublic  
12 schools may place a student who is authorized to self-administer the  
13 epinephrine in jeopardy if that student loses or misplaces the epi-  
14 pen or panics in an emergency situation and is unable to administer  
15 the epi-pen. This bill clarifies that authorization to self-administer  
16 epinephrine does not preclude the school nurse or a designee from  
17 administering the epinephrine in emergency situations.

18 This bill also allows the nurse to train multiple delegates for the  
19 emergency administration of epinephrine and requires the  
20 Department of Education, in consultation with the Department of  
21 Health and Senior Services, to establish a ratio of trained delegates  
22 enrolled in a school who may require the emergency administration  
23 of epinephrine for anaphylaxis. The number of delegates trained by  
24 the school nurse is to be in accordance with the established ratio.

25 The bill also directs the Department of Education, in consultation  
26 with the Department of Health and Senior Services, to establish  
27 guidelines for the development of a school policy for the emergency  
28 administration of epinephrine to students for anaphylaxis. The  
29 guidelines would address issues such as the responsibilities of the  
30 school, the parent or guardian, and the student for the emergency  
31 administration of epinephrine. The policy on emergency  
32 administration adopted by a school district or nonpublic school  
33 would have to conform to those guidelines.

34 This bill also requires each board of education or chief school  
35 administrator of a nonpublic school, in consultation with the parents  
36 or guardians of children enrolled in the school district or nonpublic  
37 school who may require the emergency administration of  
38 epinephrine for anaphylaxis, to develop a district or school plan that  
39 outlines procedures to be followed to reduce the potential for  
40 student exposure to allergens. The school nurse is to work with the  
41 parents or guardians of affected students to develop the plan which  
42 is to be updated annually.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 79**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 8, 2006

The Senate Education Committee reports favorably Senate Bill No. 79 with committee amendments.

As amended, this bill clarifies the provisions of law regarding the emergency administration of epinephrine. Under current law, a board of education or the governing board or chief school administrator of a nonpublic school must permit the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses provided that certain conditions are met. This bill clarifies that a pupil may also self-administer medication for a life-threatening allergic reaction.

A separate law directs school districts and nonpublic schools to develop a policy for the emergency administration of epinephrine. That law provides that the school nurse has the primary responsibility for the administration of the epinephrine but also allows the nurse, in consultation with the board of education or the chief school administrator of a nonpublic school, to designate another employee of the school district or nonpublic school to administer the epinephrine for anaphylaxis when the school nurse is not physically present. Certain school districts and nonpublic schools have interpreted this law to prohibit the administration of epinephrine by the school nurse or other designated employee for pupils who are authorized to self-administer the epinephrine. This "either/or" policy adopted by some school districts and nonpublic schools may place a student who is authorized to self-administer the epinephrine in jeopardy if that student loses or misplaces the pre-filled auto-injector mechanism or panics in an emergency situation and is unable to administer the pre-filled auto-injector mechanism. This bill clarifies that authorization to self-administer epinephrine does not preclude the school nurse or a designee from administering the epinephrine in emergency situations.

This bill also requires the nurse to designate additional employees who volunteer to administer the epinephrine when the nurse is not physically present at the scene. In order to assist the certified school nurse in recruiting and training additional school employees as volunteer designees, the Department of Education and the Department

of Health and Senior Services will develop training protocols, in consultation with the New Jersey School Nurses Association. The certified school nurse, in consultation with the board of education or the chief school administrator of a nonpublic school, will recruit and train volunteer designees who are determined by the school nurse to be acceptable candidates.

The bill also directs the Department of Education, in consultation with the Department of Health and Senior Services, appropriate medical experts, and professional organizations representing school nurses, principals, teachers, and the food allergy community to establish and disseminate guidelines for the management of food allergies in the school setting and the emergency administration of epinephrine to students for anaphylaxis.

The bill also specifies that no action of any kind in any court of competent jurisdiction or before the State Board of Nursing will be taken against a school nurse or any other school employee by virtue of any action taken in accordance with this bill for the administration of epinephrine.

The committee amended the bill to:

1) replace reference to epi-pen to pre-filled auto-injector mechanism in recognition of the fact that there are a variety of injectable epinephrine devices on the market;

2) require that the policy developed by a board of education or chief school administrator of a nonpublic school on the emergency administration of epinephrine provide for the placement of a student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees; that the location be indicated on the student's emergency care plan; that back-up epinephrine also be available; that the school nurse or a designee be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and that the pupil be transported to the hospital by emergency medical services personnel following the administration of epinephrine for anaphylaxis, even if the student's symptoms appear to have resolved;

3) require a school district and a nonpublic school to designate and train employee volunteers to administer epinephrine to a student for anaphylaxis in emergency situations when the nurse is not physically present at the scene. Current law authorizes such designation but does not require it;

4) provide that nothing under the law will be construed to prohibit the emergency administration of epinephrine to a student for anaphylaxis when there is a coexisting diagnosis of asthma or when a prescription is received from a licensed health care professional for epinephrine coupled with another medication;

5) provide for the inclusion of appropriate medical experts and professional organizations representing school nurses, principals, teachers, and the food allergy community in the establishment of Department of Education guidelines required under the bill for the



development of school policies on the management of food allergies in the school setting and the emergency administration of epinephrine for anaphylaxis;

6) specifically direct each board of education and nonpublic school to implement the guidelines established by the department;

7) in an effort to assist the certified school nurse in recruiting and training additional school employees to volunteer as designees to administer epinephrine, direct the Department of Education and the Department of Health and Senior Services to jointly develop training protocols, in consultation with the New Jersey School Nurses Association;

8) specifically direct the certified school nurse to recruit and train volunteer designees to administer epinephrine for anaphylaxis who are determined acceptable candidates by the school nurse within each school building; and,

9) specifically provide that no action of any kind in any court or before the New Jersey State Board of Nursing will lie against any school employee, including the school nurse, or any other officer or agent of a board of education or nonpublic school as the result of any action taken in accordance with the law on the administration of epinephrine.

As amended, this bill is identical to Assembly Bill No. 961 (1R), which was released by the Assembly Education Committee on February 6, 2006, and amended on the Assembly floor on May 22, 2006.

**ASSEMBLY, No. 961**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman ERIC MUNOZ**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Co-Sponsored by:**

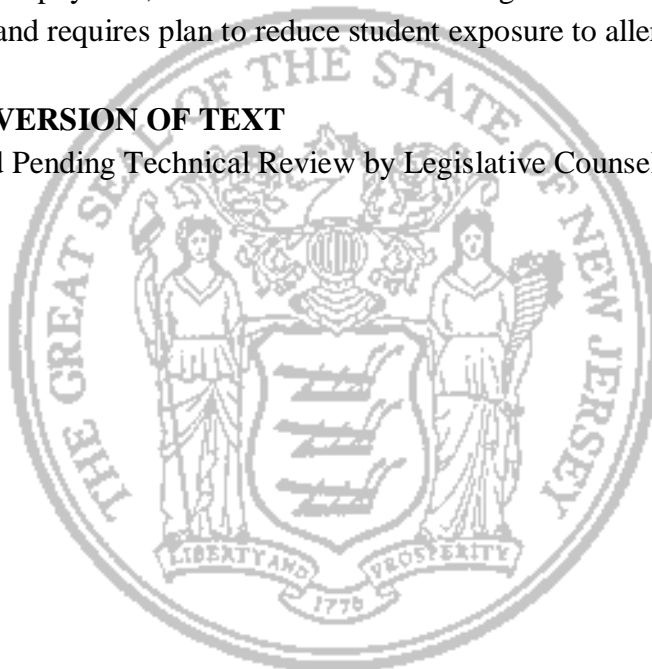
**Assemblymen Bateman and Scalera**

**SYNOPSIS**

Clarifies law concerning the emergency administration of epinephrine to students for anaphylaxis, increases number of delegates trained to administer epinephrine, and requires plan to reduce student exposure to allergens.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/7/2006)**

1 AN ACT concerning the administration of epinephrine for certain  
2 students, amending P.L.1993, c.308 and amending and  
3 supplementing P.L.1997, c.368.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to  
9 read as follows:

10 1. a. A board of education or the governing board or chief school  
11 administrator of a nonpublic school shall permit the self-  
12 administration of medication by a pupil for asthma or other  
13 potentially life-threatening illnesses or a life-threatening allergic  
14 reaction provided that:

15 (1) the parents or guardians of the pupil provide to the board of  
16 education or the governing board or chief school administrator of a  
17 nonpublic school written authorization for the self-administration of  
18 medication;

19 (2) the parents or guardians of the pupil provide to the board of  
20 education or the governing board or chief school administrator of a  
21 nonpublic school written certification from the physician of the  
22 pupil that the pupil has asthma or another potentially life-  
23 threatening illness or is subject to a life-threatening allergic reaction  
24 and is capable of, and has been instructed in, the proper method of  
25 self-administration of medication;

26 (3) the board of education or the governing board or chief  
27 school administrator of a nonpublic school informs the parents or  
28 guardians of the pupil in writing that the district and its employees  
29 or agents or the nonpublic school and its employees or agents shall  
30 incur no liability as a result of any injury arising from the self-  
31 administration of medication by the pupil;

32 (4) the parents or guardians of the pupil sign a statement  
33 acknowledging that the district or the nonpublic school shall incur  
34 no liability as a result of any injury arising from the self-  
35 administration of medication by the pupil and that the parents or  
36 guardians shall indemnify and hold harmless the district and its  
37 employees or agents or the nonpublic school and its employees or  
38 agents against any claims arising out of the self-administration of  
39 medication by the pupil; and

40 (5) the permission is effective for the school year for which it is  
41 granted and is renewed for each subsequent school year upon  
42 fulfillment of the requirements in paragraphs (1) through (4) of this  
43 subsection.

44 b. Notwithstanding any other law or regulation to the contrary,  
45 a pupil who is permitted to self-administer medication under the

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provisions of this section shall be permitted to carry an inhaler or  
2 prescribed medication for allergic reactions, including a pre-filled,  
3 single dose auto-injector mechanism, at all times, provided that the  
4 pupil does not endanger himself or other persons through misuse.

5 c. Any person who acts in good faith in accordance with the  
6 requirements of this act shall be immune from any civil or criminal  
7 liability arising from actions performed pursuant to this act.

8 (cf: P.L.2001, c.61, s.1)

9

10 2. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to  
11 read as follows:

12 1. Each board of education or chief school administrator of a  
13 nonpublic school shall develop a policy in accordance with the  
14 guidelines established by the Department of Education pursuant to  
15 section 4 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
16 Legislature as this bill) for the emergency administration of  
17 epinephrine via epi-pen to a pupil for anaphylaxis provided that:

18 a. the parents or guardians of the pupil provide to the board of  
19 education or chief school administrator of a nonpublic school  
20 written authorization for the administration of the epi-pen;

21 b. the parents or guardians of the pupil provide to the board of  
22 education or chief school administrator of a nonpublic school  
23 written orders from the physician or advanced practice nurse that  
24 the pupil requires the administration of epinephrine for anaphylaxis  
25 [and does not have the capability for self-administration of the  
26 medication];

27 c. the board or chief school administrator of a nonpublic school  
28 informs the parents or guardians of the pupil in writing that if the  
29 procedures specified in this section are followed, the district and its  
30 employees or agents or the nonpublic school and its employees or  
31 agents shall have no liability as a result of any injury arising from  
32 the administration of the epi-pen to the pupil;

33 d. the parents or guardians of the pupil sign a statement  
34 acknowledging their understanding that if the procedures specified  
35 in this section are followed, the district or the nonpublic school  
36 shall have no liability as a result of any injury arising from the  
37 administration of the epi-pen to the pupil and that the parents or  
38 guardians shall indemnify and hold harmless the district and its  
39 employees or agents or the nonpublic school and its employees or  
40 agents against any claims arising out of the administration of the  
41 epi-pen to the pupil; and

42 e. the permission is effective for the school year for which it is  
43 granted and is renewed for each subsequent school year upon  
44 fulfillment of the requirements in subsections a. through d. of this  
45 section.

46 The policy developed by a board of education or chief school  
47 administrator of a nonpublic school shall require the placement of

1 epinephrine in each classroom where a student who may require the  
2 emergency administration of epinephrine for anaphylaxis is in  
3 attendance.

4 (cf: P.L.1997, c.368, s.1)

5

6 3. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to  
7 read as follows:

8 2. The policy for the administration of medication to a pupil  
9 shall provide that the school nurse shall have the primary  
10 responsibility for the administration of the epi-pen. The school  
11 nurse may designate, in consultation with the board of education, or  
12 chief school administrator of a nonpublic school [another employee]  
13 additional employees of the school district or nonpublic school to  
14 administer epinephrine via epi-pen to a pupil for anaphylaxis when  
15 the nurse is not physically present at the scene, provided that:

16 a. the [designated person has] designees have been properly  
17 trained in the administration of the epi-pen by the school nurse  
18 using standardized training protocols established by the Department  
19 of Education in consultation with the Department of Health and  
20 Senior Services;

21 b. the parents or guardians of the pupil consent in writing to the  
22 administration of the epi-pen by the [designated individual]  
23 designees;

24 c. the board or chief school administrator of a nonpublic school  
25 informs the parents or guardians of the pupil in writing that if the  
26 procedures specified in this section are followed, the district and its  
27 employees or agents or the nonpublic school and its employees and  
28 agents shall have no liability as a result of any injury arising from  
29 the administration of the epi-pen to the pupil;

30 d. the parents or guardians of the pupil sign a statement  
31 acknowledging their understanding that if the procedures specified  
32 in this section are followed, the district or nonpublic school shall  
33 have no liability as a result of any injury arising from the  
34 administration of the epi-pen to the pupil and that the parents or  
35 guardians shall indemnify and hold harmless the district and its  
36 employees or agents against any claims arising out of the  
37 administration of the epi-pen to the pupil; and

38 e. the permission is effective for the school year for which it is  
39 granted and is renewed for each subsequent school year upon  
40 fulfillment of the requirements in subsections a. through d. of this  
41 section.

42 The Department of Education, in consultation with the  
43 Department of Health and Senior Services, shall establish a ratio of  
44 trained designees to students enrolled in a school who may require  
45 the emergency administration of epinephrine for anaphylaxis. The  
46 number of designees trained by the nurse shall be in accordance  
47 with that ratio.

1 Nothing in this section shall be construed to prohibit the  
2 emergency administration of epinephrine via epi-pen to a pupil for  
3 anaphylaxis by the school nurse or other employees designated  
4 pursuant to this section when the pupil is authorized to self-  
5 administer epinephrine pursuant to section 1 of P.L.1993, c.308  
6 (C.18A:40-12.3).

7 (cf: P.L.1997, c.368, s.2)

8  
9 4. (New section) The Department of Education, in consultation  
10 with the Department of Health and Senior Services, shall establish  
11 guidelines for the development of a policy by a school district or  
12 nonpublic school for the emergency administration of epinephrine  
13 to students for anaphylaxis. The guidelines shall address issues  
14 including, but not limited to, the responsibilities of the school, the  
15 parent or guardian, and the student for the emergency  
16 administration of epinephrine. The Commissioner of Education  
17 shall disseminate the guidelines to each board of education and  
18 chief school administrator of a nonpublic school, and the policy  
19 adopted by a board of education or chief school administrator of a  
20 nonpublic school pursuant to section 1 of P.L.1997, c.368  
21 (C.18A:40-12.5) shall conform to those guidelines.

22  
23 5. (New section) The board of education or chief school  
24 administrator of a nonpublic school, in consultation with the parents  
25 or guardians of children enrolled in the school district or nonpublic  
26 school who may require the emergency administration of  
27 epinephrine for anaphylaxis, shall develop a district or school plan  
28 that outlines procedures to be followed to reduce the potential for  
29 student exposure to allergens. The school nurse shall work with the  
30 parents or guardians of affected students to develop the plan which  
31 shall be updated annually.

32  
33 6. This act shall take effect immediately.

34

35

36 STATEMENT

37

38 This bill clarifies the provisions of law regarding the emergency  
39 administration of epinephrine. Under current law, a board of  
40 education or the governing board or chief school administrator of a  
41 nonpublic school must permit the self-administration of medication  
42 by a pupil for asthma or other potentially life-threatening illnesses  
43 provided that certain conditions are met. This bill clarifies that a  
44 pupil may also self-administer medication for a life-threatening  
45 allergic reaction.

46 A separate law directs school districts and nonpublic schools to  
47 develop a policy for the emergency administration of epinephrine.  
48 That law provides that the school nurse has the primary

1 responsibility for the administration of the epinephrine but also  
2 allows the nurse, in consultation with the board of education or the  
3 chief school administrator of a nonpublic school, to designate  
4 another employee of the school district or nonpublic school to  
5 administer the epinephrine for anaphylaxis when the school nurse is  
6 not physically present. Certain school districts and nonpublic  
7 schools have interpreted this law to prohibit the administration of  
8 epinephrine by the school nurse or other designated employee for  
9 pupils who are authorized to self-administer the epinephrine. This  
10 "either/or" policy adopted by some school districts and nonpublic  
11 schools may place a student who is authorized to self-administer the  
12 epinephrine in jeopardy if that student loses or misplaces the epi-  
13 pen or panics in an emergency situation and is unable to administer  
14 the epi-pen. This bill clarifies that authorization to self-administer  
15 epinephrine does not preclude the school nurse or a designee from  
16 administering the epinephrine in emergency situations.

17 This bill also allows the nurse to train multiple delegates for the  
18 emergency administration of epinephrine and requires the  
19 Department of Education, in consultation with the Department of  
20 Health and Senior Services, to establish a ratio of trained delegates  
21 enrolled in a school who may require the emergency administration  
22 of epinephrine for anaphylaxis. The number of delegates trained by  
23 the school nurse is to be in accordance with the established ratio.

24 The bill also directs the Department of Education, in consultation  
25 with the Department of Health and Senior Services, to establish  
26 guidelines for the development of a school policy for the emergency  
27 administration of epinephrine to students for anaphylaxis. The  
28 guidelines would address issues such as the responsibilities of the  
29 school, the parent or guardian, and the student for the emergency  
30 administration of epinephrine. The policy on emergency  
31 administration adopted by a school district or nonpublic school  
32 would have to conform to those guidelines.

33 This bill also requires each board of education or chief school  
34 administrator of a nonpublic school, in consultation with the parents  
35 or guardians of children enrolled in the school district or nonpublic  
36 school who may require the emergency administration of  
37 epinephrine for anaphylaxis, to develop a district or school plan that  
38 outlines procedures to be followed to reduce the potential for  
39 student exposure to allergens. The school nurse is to work with the  
40 parents or guardians of affected students to develop the plan which  
41 is to be updated annually.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 961

# STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2006

This bill clarifies the provisions of law regarding the emergency administration of epinephrine. Under current law, a board of education or the governing board or chief school administrator of a nonpublic school must permit the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses provided that certain conditions are met. This bill provides that a pupil may also self-administer medication for a life-threatening allergic reaction.

A separate law directs school districts and nonpublic schools to develop a policy for the emergency administration of epinephrine. That law provides that the school nurse has the primary responsibility for the administration of the epinephrine but also allows the nurse, in consultation with the board of education or the chief school administrator of a nonpublic school, to designate another employee of the school district or nonpublic school to administer the epinephrine for anaphylaxis when the school nurse is not physically present. Certain school districts and nonpublic schools have interpreted this law to prohibit the administration of epinephrine by the school nurse or other designated employee for pupils who are authorized to self-administer the epinephrine. This "either/or" policy adopted by some school districts and nonpublic schools may place a student who is authorized to self-administer the epinephrine in jeopardy if that student loses or misplaces the epi-pen or panics in an emergency situation and is unable to administer the epi-pen. This bill clarifies that authorization to self-administer epinephrine does not preclude the school nurse or a designee from administering the epinephrine in emergency situations.

This bill also allows the nurse to train multiple delegates for the emergency administration of epinephrine and requires the Department of Education, in consultation with the Department of Health and Senior Services, to establish a ratio of trained delegates to students enrolled in a school who may require the emergency administration of epinephrine for anaphylaxis. The number of delegates trained by the school nurse is to be in accordance with the established ratio.

The bill directs the Department of Education, in consultation with the Department of Health and Senior Services, to establish guidelines for the development of a school policy for the emergency administration of epinephrine to students for anaphylaxis. The guidelines would address issues such as the responsibilities of the



school, the parent or guardian, and the student for the emergency administration of epinephrine. The policy on emergency administration developed by a school district or nonpublic school would have to conform to those guidelines; and would also have to require the placement of epinephrine in each classroom where a student who may require its emergency administration is in attendance.

Finally, this bill requires each board of education or chief school administrator of a nonpublic school, in consultation with the parents or guardians of children enrolled in the school district or nonpublic school who may require the emergency administration of epinephrine for anaphylaxis, to develop a district or school plan that outlines procedures to be followed to reduce the potential for student exposure to allergens. The school nurse is to work with the parents or guardians of affected students to develop the plan which is to be updated annually.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# STATEMENT TO

## **ASSEMBLY, No. 961**

with Assembly Floor Amendments  
(Proposed By Assemblyman MUNOZ)

ADOPTED: MAY 22, 2006

These floor amendments do the following:

1) replace reference to epi-pen to pre-filled auto-injector mechanism in recognition of the fact that there are a variety of injectable epinephrine devices on the market;

2) require that the policy developed by a board of education or chief school administrator of a nonpublic school on the emergency administration of epinephrine provide for the placement of a student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees; that the location be indicated on the student's emergency care plan; that back-up epinephrine also be available; that the school nurse or a designee be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and that the pupil be transported to the hospital by emergency medical services personnel following the administration of epinephrine for anaphylaxis, even if the student's symptoms appear to have resolved;

3) require a school district and a nonpublic school to designate and train employee volunteers to administer epinephrine to a student for anaphylaxis in emergency situations when the nurse is not physically present at the scene. Current law authorizes such designation but does not require it;

4) provide that nothing under the law will be construed to prohibit the emergency administration of epinephrine to a student for anaphylaxis when there is a coexisting diagnosis of asthma or when a prescription is received from a licensed health care professional for epinephrine coupled with another medication;

5) provide for the inclusion of appropriate medical experts and professional organizations representing school nurses, principals, teachers, and the food allergy community in the establishment of Department of Education guidelines required under the bill for the development of school policies on the management of food allergies in the school setting and the emergency administration of epinephrine for anaphylaxis;

6) specifically direct each board of education and nonpublic school to implement the guidelines established by the department;

7) in an effort to assist the certified school nurse in recruiting and training additional school employees to volunteer as designees to administer epinephrine, direct the Department of Education and the Department of Health and Senior Services to jointly develop training

protocols, in consultation with the New Jersey School Nurses Association;

8) specifically direct the certified school nurse to recruit and train volunteer designees to administer epinephrine for anaphylaxis who are determined acceptable candidates by the school nurse within each school building; and,

9) specifically provide that no action of any kind in any court or before the New Jersey State Board of Nursing will lie against any school employee, including the school nurse, or any other officer or agent of a board of education or nonpublic school as the result of any action taken in accordance with the law on the administration of epinephrine.

**SENATE BILL NO. 79**  
**(First Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey State Constitution, I am returning Senate Bill No. 79 (First Reprint) with my recommendations for reconsideration.

This bill seeks to increase protections for children with special sensitivities or allergies while they are in a school setting. The bill would clarify existing law regarding the emergency administration of epinephrine to students with anaphylaxis while also increasing the number of school employees in addition to the school nurse who can be trained to administer epinephrine in emergency situations. Finally, the bill would immunize all school employees from any liability associated with the administration of epinephrine under any circumstances.

I commend the sponsors of this bill for their efforts. Improving the safety of school children -- especially those in need of emergency medical attention -- is an important public goal. I also recognize the necessity of allowing school employees, who have volunteered to assist a child in need, to be able to act without fear of incurring legal liability. Nonetheless, I cannot approve a bill that will immunize a school nurse or other employee from both civil liability and Board of Nursing review, even if a child is harmed as a result of a school employee's bad faith or gross negligence.

The limitation of liability contained in this bill is overly broad and as a result could have the unintended consequence of failing to protect the health, safety and welfare of the State's school children. It is essential that an appropriate balance be struck between encouraging school

employees to volunteer to help a child in need on the one hand and total immunization from any and all reckless, intentional or bad faith acts and omissions on the other. As a result, I recommend that the bill be amended consistent with the type of liability protection that are contained in New Jersey's Good Samaritan Laws. Accordingly, I herewith return Senate Bill No. 79 (First Reprint) and recommend that it be amended as follows:

Page 6, Section 7, Line 42 to  
Page 7, Section 7, Line 2:

Delete Section 7 in its entirety

Page 6, Section 7, Line 42:

Insert: "No school employee, including a school nurse, or any other officer or agent of a board of education or nonpublic school shall be held liable for any good faith act or omission consistent with the provisions of P.L.1997, c.368 (C.18A:40-12.5 et seq.), nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse pursuant to section 2 of P.L.1997, c.368 (C.18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness."

Respectfully,

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kenneth H. Zimmerman

Chief Counsel to the Governor