

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 195**

By Senator Rucker

[Introduced January 13, 2023; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the  
 3 Ready-to-Use Glucagon Rescue Therapies for Schools Act; defining terms; prescribing  
 4 ready-to-use undesignated glucagon rescue therapies; and training for school personnel.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2L. THE READY-TO-USE GLUCAGON RESCUE THERAPIES FOR SCHOOLS**

**ACT.**

**§18-2L-1. Title of article.**

1 This article shall be known as the "Ready-to-Use Glucagon Rescue Therapies for Schools  
 2 Act".

**§18-2L-2. Definitions.**

1 As used in this article:

2 "Diabetes care plan" means a document that specifies the diabetes-related services  
 3 needed by a student at school and at school-sponsored activities and identifies the appropriate  
 4 staff to provide and supervise these services.

5 "Health care provider" means a physician licensed to practice medicine in all of its  
 6 branches, advanced practice registered nurse who has a written agreement with a collaborating  
 7 physician who authorizes the provision of diabetes care, or a physician assistant who has a written  
 8 supervision agreement with a supervising physician who authorizes the provision of diabetes care.

9 "Principal" means the principal of the school.

10 "School" means any primary or secondary public, charter, or private school located in this  
 11 State.

12 "School personnel" means a person who is employed by a public school district or private  
 13 school, a person who is employed by a local health department and assigned to a school, or a  
 14 person who contracts with a school or school district to perform services in connection with a

15 student's diabetes care plan.

16 "Ready-to-use undesignated glucagon rescue therapy" means a glucagon rescue therapy  
17 approved by the U.S. Food and Drug Administration that does not require reconstitution for the  
18 treatment of severe hypoglycemia in a dosage form and with a delivery system that can be self-  
19 administered or rapidly administered to the patient in an emergency (for example pre-filled  
20 injectable or nasally administered glucagon) prescribed in the name of a school or school district  
21 as provided in §18-2L-1 of this code.

**§18-2L-3. Ready-to-use undesignated glucagon rescue therapies.**

1 A licensed health care provider with the authority to prescribe ready-to-use glucagon  
2 rescue therapy may prescribe ready-to-use glucagon rescue therapy in the name of the school  
3 district or school to be maintained for use when necessary. Ready-to-use undesignated glucagon  
4 rescue therapy prescriptions shall be accompanied by a standing order for the administration of  
5 school supplied, ready-to-use undesignated glucagon rescue therapy for potentially severe  
6 hypoglycemic reactions.

7 A school may maintain a supply of a ready-to-use undesignated glucagon rescue therapy  
8 in any secure location that is immediately accessible to school personnel. Any supply of ready-to-  
9 use undesignated glucagon rescue therapies shall be maintained in accordance with the  
10 manufacturer's instructions. School personnel may administer a ready-to-use undesignated  
11 glucagon rescue therapy that does not require reconstitution if the student's prescribed glucagon  
12 is not available on-site or has expired.

13 Ready-to-use undesignated glucagon rescue therapies may be used on school property,  
14 including the school building, playground, and school bus, as well as during field trips or  
15 sanctioned excursions away from school property.

16 If a student is injured or harmed due to the administration of ready-to-use undesignated  
17 glucagon rescue therapy that a licensed health professional with prescribing authority has  
18 prescribed and a pharmacist has dispensed to a school under this section, the licensed health

19 professional with prescribing authority and pharmacist may not be held responsible for the injury  
20 unless he or she issued the prescription with a conscious disregard for safety.

21 If school personnel administers ready-to-use undesignated glucagon rescue therapy to a  
22 student who the nurse in good faith believes to be experiencing a severe hypoglycemic reaction  
23 and administers the medication in accordance with the written policies of the school district or  
24 private school , then the school personnel, the school district or school of employment, and the  
25 members of the governing school board and chief administrator thereof are not liable in any  
26 criminal action or for civil damages in their individual, marital, governmental, corporate, or other  
27 capacity as a result of providing the glucagon.

28 Immediately after the administration of undesignated glucagon, a school shall call 911 for  
29 emergency assistance and notify the school nurse, unless the school nurse was the one  
30 administering the undesignated glucagon, and the student's parent or guardian or emergency  
31 contact, if known, and health care provider of its use.

**§18-2L-4. Training for school personnel.**

1 (a) In schools that have a student with diabetes, all school personnel may receive training  
2 in the basics of diabetes care, how to identify when a student with diabetes needs immediate or  
3 emergency medical attention, and whom to contact in the case of an emergency during regular in-  
4 service training.

5 (b) Elected school personnel may be trained to perform tasks necessary to assist a student  
6 with diabetes in accordance with his or her diabetes care plan, including training to do the  
7 following: (1) check blood glucose and record results; (2) recognize and respond to the symptoms  
8 of hypoglycemia according to the diabetes care plan; (3) recognize and respond to the symptoms  
9 of hyperglycemia according to the diabetes care plan; (4) estimate the number of carbohydrates in  
10 a snack or lunch; (5) administer insulin according to the student's diabetes care plan and keep a  
11 record of the amount administered; and (6) respond in an emergency, including administering  
12 glucagon and calling 911.

13 (c) The school district shall coordinate staff training.

14 (d) School nurses, where available, or health care providers may provide technical  
15 assistance or consultation or both to school personnel.

16 (e) An information sheet shall be provided to any school employee who transports a  
17 student for school-sponsored activities. It shall identify the student with diabetes, identify potential  
18 emergencies that may occur as a result of the student's diabetes and the appropriate responses to  
19 such emergencies, and provide emergency contact information.

NOTE: The purpose of this bill is to create of the Ready-to-Use Glucagon Rescue Therapies for Schools Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.