

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 293

By Senators Rucker, Deeds, and Phillips

[Introduced January 11, 2024; referred
to the Committee on Health and Human Resources]

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 creating the
3 Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon
4 in the name of a school district or school; allowing school to maintain a supply of
5 undesignated glucagon; allowing trained school personnel to administer undesignated
6 glucagon if the student's prescribed glucagon is not available on site or has expired;
7 prohibiting licensed health professional with prescribing authority and pharmacist from
8 being held responsible for harm due to the administration of undesignated glucagon in
9 certain instances; declaring school personnel, the school district or school of employment,
10 members of the governing school board, and the chief administrator are not liable in any
11 criminal action or for civil damages as a result of administering undesignated glucagon in
12 certain instances; requiring a school to call local emergency assistance and notify certain
13 others as soon as practicable after the administration of undesignated glucagon; stating
14 that each school should have an easily accessible glucometer on site; allowing all school
15 personnel in schools that have students with diabetes to receive certain training; allowing
16 designated school personnel to be trained to perform tasks necessary to assist a student
17 with diabetes in accordance with his or her diabetes medical management plan; allowing
18 school district to coordinate staff training; allowing school nurses, where available, or
19 certain health care providers to provide technical assistance, consultation, or both to
20 school personnel; and requiring an information sheet to be provided to any school
21 employee who transports a student for school-sponsored activities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2L. THE GLUCAGON FOR SCHOOLS ACT.
§18-2L-1. Title of article.

1 This article shall be known as the Glucagon for Schools Act.

§18-2L-2. Definitions.

1 As used in this article:

2 "Diabetes medical management plan" means a document developed by the personal
3 health care team of a student with diabetes that sets out the health services that may be needed by
4 the student at school and is signed by the person health care team and the parent or guardian of
5 the student.

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

11 "Principal" means the principal of the school.

12 "School" means any primary or secondary public, charter, or private school located in this
13 state.

14 "School personnel" means a person who is employed by a public school district or private
15 school, a person who is employed by a local health department and assigned to a school, or a
16 person who contracts with a school or school district to perform services in connection with a
17 student's diabetes medical management plan.

§18-2L-3. Glucagon.

1 (a)(1) A licensed health care provider with the authority to prescribe glucagon may
2 prescribe undesignated glucagon in the name of the school district or school, to be maintained for
3 use when necessary. Undesignated glucagon prescriptions shall be administered to a student with
4 diabetes in accordance with the student's diabetes medical management plan authorizing the use
5 of glucagon for potentially severe hypoglycemic reactions.

6 (2) A school may maintain a supply of undesignated glucagon in any secure location that is
7 immediately accessible to school personnel. Any supply of glucagon shall be maintained in
8 accordance with the manufacturer's instructions. Trained school personnel may administer

9 undesignated glucagon if the student's prescribed glucagon is not available on-site or has expired.

10 (3) Glucagon may be used on school property, including the school building, playground,
11 and school bus, as well as during field trips or school sponsored excursions away from school
12 property.

13 (b)(1) If a student is injured or harmed due to the administration of undesignated glucagon
14 that a licensed health professional with prescribing authority has prescribed and a pharmacist has
15 dispensed to a school under this section, the licensed health professional with prescribing
16 authority and pharmacist may not be held responsible for the injury unless he or she issued the
17 prescription with a conscious disregard for safety.

18 (2) If school personnel administers undesignated glucagon in good faith to a student who is
19 believed to be experiencing a severe hypoglycemic reaction and administers the medication in
20 accordance with the written policies of the school district or private school, then the school
21 personnel, the school district or school of employment, the members of the governing school
22 board, and chief administrator thereof are not liable in any criminal action or for civil damages in
23 their individual, marital, governmental, corporate, or other capacity as a result of providing the
24 glucagon.

25 (c) As soon as practicable after the administration of undesignated glucagon, a school
26 shall call local emergency assistance, such as 911, and notify the school nurse, unless the school
27 nurse was the one administering the undesignated glucagon, and the student's parent or guardian
28 or emergency contact, if known, and health care provider of its use.

29 (d) Each school should but is not required to have an easily accessible glucometer on site.

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

14 (c) The school district may coordinate staff training.

15 (d) School nurses, where available, or health care providers with expertise in pediatric
16 diabetes may provide technical assistance, consultation, or both to school personnel.

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

NOTE: The purpose of this bill is to create the Glucagon 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.