

ASSEMBLY, No. 4290

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 16, 2022

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Jaffer, Assemblymen Catalano and McGuckin

SYNOPSIS

Requires school districts to maintain supply of nasal rescue medication and oxygen for seizure emergencies; provides for training of designees to administer nasal rescue medication and oxygen when school nurse is not physically present.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/30/2023)

1 AN ACT concerning the availability of nasal rescue medication and
2 oxygen for seizure emergencies in schools and supplementing
3 P.L.2019, c.290 (C.18A:40-12.34 et seq.).
4

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

8 1. a. As part of the implementation of a seizure action plan
9 submitted pursuant to section 2 of P.L.2019, c.290 (C.18A:40-
10 12.35), each school district shall maintain a supply of diazepam
11 nasal spray, midazolam nasal spray, and other similar nasal rescue
12 medications approved for seizures and identified in a seizure action
13 plan submitted to the school district, as prescribed under a standing
14 protocol from a licensed physician or an advanced practice nurse,
15 and portable oxygen delivery devices in secure but unlocked
16 locations easily accessible by the school nurse and trained
17 designees throughout each school building to ensure prompt
18 availability in the event of a seizure emergency during school hours
19 and at any other time when a school-sponsored function is taking
20 place on the premises of a school building. The school nurse shall
21 be responsible for designating locations throughout the building
22 where such nasal rescue medication and oxygen delivery devices
23 shall be placed.

24 b. Nothing in this section shall be construed to prohibit the use
25 of portable oxygen delivery devices by a school nurse or trained
26 designees to respond to other medical emergencies that may occur
27 during school hours or when a school-sponsored function is taking
28 place on the premises of a school building.
29

30 2. a. The school nurse of each school building shall have the
31 primary responsibility for administration of nasal rescue
32 medications and oxygen maintained pursuant to subsection a. of
33 section 1 of P.L. ,c. (C.) (pending before the Legislature as this
34 bill). The school nurse shall designate, in consultation with the
35 board of education, additional employees of the school district who
36 volunteer to administer nasal rescue medication and oxygen to a
37 student when the nurse is not physically present at the scene of a
38 seizure emergency. The school nurse shall determine that:

39 (1) the designees have been properly trained in the
40 administration of nasal rescue medication and oxygen using
41 standardized training protocols established by the Department of
42 Education in consultation with the Department of Health;

43 (2) the parents or guardians of the student consent in writing to
44 the administration of nasal rescue medication and oxygen by the
45 designees;

46 (3) the board of education informs the parents or guardians of
47 the student in writing that the district and its employees or agents
48 shall have no liability as a result of any injury arising from the

1 administration of nasal rescue medication and oxygen to the
2 student;

3 (4) the parents or guardians of the student sign a statement
4 acknowledging their understanding that the district shall have no
5 liability as a result of any injury arising from the administration of
6 nasal rescue medication and oxygen to the student and that the
7 parents or guardians shall indemnify and hold harmless the district
8 and its employees or agents against any claims arising out of the
9 administration of nasal rescue medication and oxygen to the
10 student; and

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

15 b. In establishing standardized training protocols pursuant to
16 subsection a. of this section, the Department of Education and the
17 Department of Health shall consult with the New Jersey School
18 Nurses Association. Training protocols developed by the
19 departments shall be distributed to school districts at the beginning
20 of each school year and updated as needed.

21
22 3. The Department of Education shall provide for the
23 reimbursement of the costs incurred by school districts in
24 implementing section 1 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). The department shall establish procedures
26 by which a school district may apply for reimbursement pursuant to
27 this section. The department is authorized to accept contributions
28 of funds from private or nonprofit entities in order to defray the
29 expenses of the State in reimbursing school districts pursuant to this
30 section.

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32 4. This act shall take effect on the 90th day after enactment, but
33 the Commissioner of Education may take such anticipatory
34 administrative action in advance as necessary for the timely
35 implementation of this act.

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38 STATEMENT

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40 This bill requires a school district, as part of the implementation
41 of a seizure action plan, to maintain a supply of diazepam nasal
42 spray, midazolam nasal spray, and any other similar nasal rescue
43 medication approved for seizures and identified in a seizure action
44 plan submitted to the school district, as prescribed under a standing
45 protocol from a licensed physician or an advanced practice nurse
46 and portable oxygen delivery devices in secure but unlocked
47 locations easily accessible by the school nurse and trained
48 designees throughout each school building to ensure prompt

1 availability in the event of a seizure emergency during school hours
2 and at any other time when a school-sponsored event is taking place
3 on the premises of a school building. The school nurse of each
4 school building would be responsible for designating locations
5 where such nasal rescue medication and oxygen delivery devices
6 would be placed. Nothing in this bill would be construed to
7 prohibit the use of portable oxygen delivery devices to respond to
8 other medical emergencies that may occur during school hours or
9 when a school-sponsored function is taking place on the premises of
10 a school building. The school nurse would have the primary
11 responsibility for administering nasal rescue medication and oxygen
12 but would be able to designate, in consultation with the board of
13 education, additional employees to administer nasal rescue
14 medication to a student when the nurse is not physically present at
15 the scene of a seizure emergency. The school nurse would also be
16 responsible for determining that:

- 17 • the designees have been properly trained in the
18 administration of nasal rescue medication and oxygen using
19 standardized training protocols established by the Department
20 of Education in consultation with the Department of Health;
- 21 • the parents or guardians of the student consent in writing to
22 the administration of nasal rescue medication and oxygen by
23 the designees;
- 24 • the board of education informs the parents or guardians of the
25 student in writing that the district and its employees or agents
26 will have no liability as a result of any injury arising from the
27 administration of nasal rescue medication and oxygen to the
28 student;
- 29 • the parents or guardians of the student sign a statement
30 acknowledging their understanding that the district will have
31 no liability as a result of any injury arising from the
32 administration of nasal rescue medication and oxygen to the
33 student and that the parents or guardians will indemnify and
34 hold harmless the district and its employees or agents against
35 any claims arising out of the administration of nasal rescue
36 medication and oxygen to the student; and
- 37 • the permission is effective for the school year for which it is
38 granted and is renewed for each subsequent school year upon
39 fulfillment of the above requirements.

40 In developing the training protocols under the bill, the
41 Department of Education and the Department of Health would be
42 required to: consult with the New Jersey School Nurses
43 Association; distribute the protocols to school districts at the
44 beginning of each school year; and update the protocols as needed.
45 The Department of Education would be responsible for reimbursing
46 the costs incurred by school districts implementing certain
47 provisions of the bill.