121A.2205 POSSESSION AND USE OF EPINEPHRINE DELIVERY SYSTEMS; MODEL POLICY.

Subdivision 1. **Definitions.** As used in this section:

(1) "administer" means the direct application of an epinephrine delivery system to the body of an individual;

(2) "epinephrine delivery system" means a medication product approved by the United States Food and Drug Administration that automatically delivers a single, premeasured dose of epinephrine to prevent or treat a life-threatening allergic reaction; and

(3) "school" means a public school under section 120A.22, subdivision 4, or a nonpublic school, excluding a home school, under section 120A.22, subdivision 4, that is subject to the federal Americans with Disabilities Act.

Subd. 2. **Plan for use of epinephrine delivery systems.** (a) At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine delivery systems that enables the student to:

(1) possess epinephrine delivery systems; or

(2) if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine delivery systems in close proximity to the student at all times during the instructional day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine delivery systems when required, consistent with section 121A.22, subdivision 2, clause (10). This health plan may be included in a student's 504 plan.

(b) Other nonpublic schools are encouraged to develop and implement an individualized written health plan for students requiring epinephrine delivery systems, consistent with this section and section 121A.22, subdivision 2, clause (10).

(c) A school district and its agents and employees are immune from liability for any act or failure to act, made in good faith, in implementing this section and section 121A.2207.

(d) The commissioner of education, in collaboration with the commissioner of health, may develop and transmit to interested schools a model policy and individualized health plan form consistent with this section and federal 504 plan requirements. The policy and form may:

(1) assess a student's ability to safely possess epinephrine delivery systems;

(2) identify staff training needs related to recognizing anaphylaxis and administering epinephrine when needed;

(3) accommodate a student's need to possess or have immediate access to epinephrine delivery systems in close proximity to the student at all times during the instructional day; and

(4) ensure that the student's parent provides properly labeled epinephrine delivery systems to the school for the student as needed.

(e) Additional epinephrine delivery systems may be available in school first aid kits.

(f) The school board of the school district must define instructional day for the purposes of this section.

History: *2004 c 294 art 2 s 7; 2013 c 116 art 3 s 7; 1Sp2025 c 10 art 8 s 2*