

CHAPTER 2005-75

House Bill No. 279

An act relating to student and parent rights; providing a popular name; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Kelsey Ryan Act.”

Section 2. Paragraph (i) is added to subsection (3) of section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(i) Epinephrine use.—A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student’s use of an epinephrine auto-injector pursuant to this paragraph.

Section 3. This act shall take effect January 1, 2006.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.