What do Colleges Need to Know About Epinephrine Auto-Injectors?

An epinephrine auto-injector is a medical device that injects epinephrine (adrenaline) to treat anaphylaxis. A person experiencing anaphylaxis may have a sudden and severe allergic reaction that can occur within minutes of exposure to an allergen. Anaphylaxis can be life-threatening if not treated with immediacy. Prompt administration of an epinephrine auto-injector (e.g., an EpiPen) can save the life of a person experiencing anaphylaxis.

In 2017, the Texas Legislature authorized community colleges to adopt a policy to maintain unassigned (not prescribed to a specific patient) epinephrine auto-injectors for emergency administration. Colleges with this epinephrine policy may authorize trained personnel or volunteers to administer an unassigned epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis.

The College Epinephrine Policy

Q: Is a community college authorized to administer epinephrine auto-injectors?

A: Yes. Texas Education Code section 51.882 authorizes a community college to adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each college campus. If the college has such a policy, it must authorize trained personnel and/or volunteers to administer epinephrine on a college campus. Community colleges must first decide how broadly they will authorize the administration of unassigned epinephrine. The college may choose whether to apply its policy to administration of epinephrine at an off-campus college event or while in transit to or from a college sponsored event. Tex. Educ. Code § 51.882 (a)-(b). Because of the expense of auto-injectors like the EpiPen and the availability of trained and authorized staff, colleges should make those decisions carefully.

Q: Is a community college required to provide training to employees or volunteers?

A: Yes. Each community college with an epinephrine policy is responsible for annually training employees or volunteers who will administer the epinephrine. The college must also maintain records of the required training. Tex. Educ. Code § 51.884.

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1 An electronic version of this document is available on TASB College eLaw at tasb.org/Services/Community-College-Services/Resources/TASB-College-eLaw/documents/what-do-colleges-need-to-know-about-epinephrine-auto-injectors.pdf.
Though not all anaphylaxis reactions require epinephrine, and mild symptoms can be treated with antihistamines, some people may not be aware they have a life threatening allergy. Therefore, it is imperative that a community college employee or volunteer be able to recognize when a person is experiencing life-threatening anaphylaxis. Signs and symptoms include skin reactions, including rashes or hives; low blood pressure; constriction of the airways and a swollen tongue or throat, which may lead to breathing difficulty; a weak or rapid pulse; nausea, vomiting, or diarrhea; and dizziness or fainting. See Mayo Clinic, Anaphylaxis: Symptoms & Causes (Jan. 5, 2018).

Q: How should a community college administer epinephrine?

A: A community college should follow its local policy on administering prescription medication for students who have a prescribed epinephrine auto-injector available on campus.

Q: What reporting requirements must a community college adhere to in the administration of epinephrine?

A: When a person is reasonably believed to be experiencing anaphylaxis, the authorized employee or volunteer may administer the medication. Within 10 business days after the administration of epinephrine, the college is required to send a report to the prescribing physician and to the commissioner of state health services. Tex. Educ. Code § 51.883.

Maintenance, Storage, and Disposal

Q: What rules must a community college follow in the maintenance, storage, and disposal of epinephrine auto-injectors?

A: The commissioner of state health services with advice from an advisory committee is charged with adopting rules regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on college campuses with adopted policies. These rules have not yet been adopted. However, the Texas Education Code currently requires epinephrine auto-injectors to be stored in a secure area, easily accessible to those authorized to administer it. Epinephrine auto-injectors are not required to be patient specific. A community college may obtain a prescription from a physician, in the college's name, for an unassigned epinephrine auto-injector. Tex. Educ. Code §§ 51.882(c), (e), 51.885(a).

Q: Does a community college have immunity from liability when administering epinephrine?

A: In most cases, colleges have immunity from liability for negligence, including negligence involving the administration of medication. Texas Education Code section 51.888(a) further specifies that any person who in good faith takes, or fails to take,
any action under an authorized epinephrine policy is immune from civil or criminal liability. In addition to legal immunity, the epinephrine law states that people should not be subject to disciplinary action resulting from action or failure to act under the epinephrine policy if acting in good faith. Tex. Educ. Code § 51.888.

The College To-Do List

A community college’s decision to implement an unassigned epinephrine policy is entirely a local decision. The following list includes things a college should do when considering an epinephrine policy:

- Decide when administration of an epinephrine auto-injector is authorized.
- Decide if the college will authorize administration at off-campus college events and during transportation to and from off-campus college events.
- Determine who is authorized to administer the epinephrine. All employees? Volunteers?
- Create or adopt training for authorized employees and volunteers. Ensure the training meets the requirements of Texas Education code section 51.882.
- Review college procedures at least annually and after any emergency administration of epinephrine.

Q: What TASB policies apply to Epinephrine Auto-Injectors?

A: See TASB Policy CGE(LEGAL) and (LOCAL).

Q: Where can I get more information on this topic?

A: If you have questions about these or other legal issues, community college representatives may contact TASB Community College Services at 800.580.1488 or colleges@tasb.org.

For more information on community college law topics, visit TASB Community College eLaw online at colleges.tasb.org/elaw.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the college’s own attorney in order to apply these legal principles to specific fact situations.

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