

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2117 Session of  
2026

INTRODUCED BY HILL-EVANS, WAXMAN, GUZMAN, GUENST, PROBST, KHAN, BRENNAN, PARKER, MAYES, SANCHEZ, HOWARD, OTTEN, INGLIS, CERRATO, MADDEN, CIRESI AND CEPEDA-FREYTIZ, JANUARY 7, 2026

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 8, 2026

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school health services, further  
6 providing for definitions, for possession and use of asthma  
7 inhalers and epinephrine auto-injectors, for school access to  
8 emergency epinephrine and for administration of epinephrine  
9 auto-injectors by school bus drivers and school crossing  
10 guards.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 1401 of the act of March 10, 1949  
14 (P.L.30, No.14), known as the Public School Code of 1949, is  
15 amended by adding clauses to read:

16 Section 1401. Definitions.--As used in this article--

17 \* \* \*

18 (17) "Epinephrine delivery system" means a device approved  
19 by the United States Food and Drug Administration that contains  
20 a premeasured dose of epinephrine and is used to administer  
21 epinephrine into the human body to prevent or treat a life-

1 threatening allergic reaction.

2       (18) "Short-acting asthma medication" means any medication  
3 approved by the United States Food and Drug Administration,  
4 including a beta-2 agonist or bronchodilator, used for the quick  
5 relief of asthma symptoms, including:

6       (i) an orally inhaled medication that contains a premeasured  
7 single dose of albuterol or albuterol sulfate delivered by a  
8 nebulizer compressor device; and

9       (ii) a pressurized, metered-dose inhaler used to treat  
10 asthma or respiratory distress, including wheezing, shortness of  
11 breath and difficulty breathing.

12       Section 2. Sections 1414.1 heading, (a) and (b), 1414.2 and  
13 1414.9 heading and (1) introductory paragraph of the act are  
14 amended to read:

15       Section 1414.1. Possession and Use of [Asthma Inhalers]  
16 Short-Acting Asthma Medications and Epinephrine [Auto-Injectors]  
17 Delivery Systems.--(a) Each school entity shall develop a  
18 written policy to allow for the possession and self-  
19 administration by children of school age of [asthma inhalers]  
20 short-acting asthma medications and epinephrine [auto-injectors]  
21 delivery systems, and the prescribed medication to be  
22 administered thereby, in a school setting. The policy shall  
23 comply with section 504 of the Rehabilitation Act of 1973  
24 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15  
25 (relating to protected handicapped students). The policy shall  
26 be distributed with the code of student conduct required under  
27 22 Pa. Code § 12.3(c) (relating to school rules) and made  
28 available on the school entity's publicly accessible Internet  
29 website, if any.

30       (b) The policy under this section shall require a child of

1 school age that desires to possess and self-administer [an  
2 asthma inhaler] a short-acting asthma medication or epinephrine  
3 [auto-injector] delivery system in a school setting to  
4 demonstrate the capability for self-administration and for  
5 responsible behavior in the use thereof and to notify the school  
6 nurse immediately following each use of [an asthma inhaler] a  
7 short-acting asthma medication or epinephrine [auto-injector]  
8 delivery system. The school entity shall develop a system  
9 whereby the child may demonstrate competency to the school nurse  
10 that the child is capable of self-administration and has  
11 permission for carrying and taking the medication through the  
12 use of the [asthma inhaler] short-acting asthma medication or  
13 epinephrine [auto-injector] delivery system. Determination of  
14 competency for self-administration shall be based on age,  
15 cognitive function, maturity and demonstration of responsible  
16 behavior. The school entity shall also restrict the availability  
17 of the [asthma inhaler] short-acting asthma medication, the  
18 epinephrine [auto-injector] delivery system and the prescribed  
19 medication contained therein from other children of school age.  
20 The policy shall specify conditions under which a student may  
21 lose the privilege to self-carry the [asthma inhaler] short-  
22 acting asthma medication, the epinephrine [auto-injector]  
23 delivery system and the medication if the school policies are  
24 abused or ignored. A school entity that prevents a student from  
25 self-carrying [an asthma inhaler] a short-acting asthma  
26 medication or epinephrine [auto-injector] delivery system and  
27 the prescribed medication shall ensure that they are  
28 appropriately stored at locations in close proximity to the  
29 student prohibited from self-carrying and notify the student's  
30 classroom teachers of the places where the [asthma inhaler]

1 short-acting asthma medication or epinephrine [auto-injector]  
2 delivery system and medication are to be stored and the means to  
3 access them.

4 \* \* \*

5 Section 1414.2. School Access to Emergency Epinephrine and  
6 Short-Acting Asthma Medications.--(a) Subject to [subsection  
7 (g)] subsections (g) and (h.1), a school entity or nonpublic  
8 school may authorize a trained school employe to:

9 (1) provide an epinephrine [auto-injector] delivery system  
10 or short-acting asthma medication that meets the prescription on  
11 file for either the individual student or the school entity or  
12 nonpublic school to a student who is authorized to self-  
13 administer an epinephrine [auto-injector] delivery system or  
14 short-acting asthma medication;

15 (2) administer to a student an epinephrine [auto-injector]  
16 delivery system or short-acting asthma medication that meets the  
17 prescription on file for either the individual student or the  
18 school entity or nonpublic school; and

19 (3) administer an epinephrine [auto-injector] delivery  
20 system or short-acting asthma medication that meets the  
21 prescription on file for the school entity or nonpublic school  
22 to a student that the employe in good faith believes to be  
23 having an anaphylactic reaction or asthma episode.

24 (b) Notwithstanding section 11 of the act of April 14, 1972  
25 (P.L.233, No.64), known as "The Controlled Substance, Drug,  
26 Device and Cosmetic Act," a physician or certified registered  
27 nurse practitioner may prescribe epinephrine [auto-injectors]  
28 delivery systems or short-acting asthma medications and a  
29 pharmacist may dispense epinephrine delivery systems or short-  
30 acting asthma medications in the name of the school entity or

1 nonpublic school to be maintained for use pursuant to subsection  
2 (a).

3 (b.1) A physician or nurse practitioner who prescribes  
4 epinephrine delivery systems or short-acting asthma medications  
5 or a pharmacist who dispenses epinephrine delivery systems or  
6 short-acting asthma medications under subsection (b) shall not  
7 be liable for any civil damages as a result of its use under  
8 subsection (a), except in any act or omission intentionally  
9 designed to harm or any grossly negligent acts or omissions by  
10 the physician, nurse practitioner or a pharmacist which results  
11 in harm to a student.

12 (c) A school entity or nonpublic school may maintain at a  
13 school in a safe, secure location a supply of epinephrine [auto-  
14 injectors] delivery systems or short-acting asthma medications.

15 (d) A school entity or nonpublic school that authorizes the  
16 provision of epinephrine [auto-injectors] delivery systems or  
17 short-acting asthma medications under this section shall  
18 designate one or more individuals at each school who shall be  
19 responsible for the storage and use of the epinephrine [auto-  
20 injectors] delivery systems or short-acting asthma medications.

21 (e) [Individuals] Subject to subsection (h.1), individuals  
22 who are responsible for the storage and use of epinephrine  
23 [auto-injectors] delivery systems or short-acting asthma  
24 medications must successfully complete a training program that  
25 shall be developed and implemented by the Department of Health  
26 within ninety (90) days of the effective date of this section.

27 (f) (1) An epinephrine [auto-injector] delivery system or  
28 short-acting asthma medication from the school entity's or  
29 nonpublic school's supply of epinephrine [auto-injectors]  
30 delivery systems or short-acting asthma medications that meets

1 the prescription on file for the school entity or nonpublic  
2 school may be provided to and utilized by a student authorized  
3 to self-administer or, subject to subsection (h.1), may be  
4 administered by a trained school employe authorized to  
5 administer an epinephrine [auto-injector] delivery system or  
6 short-acting asthma medication to a student pursuant to  
7 subsection (a).

8 (2) [When] Subject to subsection (h.1), when a student does  
9 not have an epinephrine [auto-injector] delivery system or  
10 short-acting asthma medication or a prescription for an  
11 epinephrine [auto-injector] delivery system or short-acting  
12 asthma medication on file, a trained school employe may utilize  
13 the school entity's or nonpublic school's supply of epinephrine  
14 [auto-injectors] delivery systems or short-acting asthma  
15 medications to respond to anaphylactic reaction or asthma  
16 episode under a standing protocol from a physician or certified  
17 registered nurse practitioner and as provided in this section.

18 (f.1) In the event a student is believed to be having an  
19 anaphylactic reaction or asthma episode, the school nurse or an  
20 individual in the school who is responsible for the storage and  
21 use of epinephrine [auto-injectors] delivery systems or short-  
22 acting asthma medications shall contact 911 as soon as possible.

23 (g) At the request of a parent or legal guardian, a student  
24 shall be exempt from subsections (a), (f) and (h). The principal  
25 of the school in which the student is enrolled shall notify all  
26 parents or legal guardians of their ability to exempt their  
27 children from subsections (a), (f) and (h) by returning a signed  
28 opt-out form.

29 (h) The provisions of 42 Pa.C.S. §§ 8332 (relating to  
30 emergency response provider and bystander good Samaritan civil

1 immunity) and 8337.1 (relating to civil immunity of school  
2 officers or employees relating to emergency care, first aid and  
3 rescue) shall apply to a person who administers an epinephrine  
4 [auto-injector] delivery system or short-acting asthma  
5 medication pursuant to this section.

6 (h.1) The following shall apply:

7 (1) A school employe who is not a licensed health care  
8 practitioner shall not provide or administer short-acting asthma  
9 medication to a student who does not have an asthma diagnosis.

10 (2) A school employe who is not a licensed health care  
11 practitioner may decline to be designated by a school entity as  
12 an employe responsible for storing, providing or administering  
13 short-acting asthma medication.

14 (3) If a school employe who is not a licensed health care  
15 practitioner agrees to be designated by a school entity as an  
16 employe responsible for storing, providing or administering  
17 short-acting asthma medication under subsection (a), the employe  
18 shall receive biennial training, including storing, providing  
19 and administering short-acting asthma medication and recognizing  
20 when a student may be having an asthma episode. The training  
21 shall be conducted during the employe's paid working hours or,  
22 if the training is conducted outside the employe's paid working  
23 hours, the employe shall be paid for participating in the  
24 training.

25 (4) A school employe who is not a licensed health care  
26 practitioner shall not provide or administer short-acting asthma  
27 medication as defined in section 1401(18) (i) to a student.

28 (i) Administration of an epinephrine [auto-injector]  
29 delivery system or short-acting asthma medication under this  
30 section shall comply with section 504 of the Rehabilitation Act

1 of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch.  
2 15 (relating to protected handicapped students).

3 (j) As used in this section, "school entity" means a school  
4 district, intermediate unit, charter school, cyber charter  
5 school, regional charter school or area career and technical  
6 school.

7 Section 1414.9. Administration of Epinephrine [Auto-  
8 injectors] Delivery Systems or Short-Acting Asthma Medications  
9 by School Bus Drivers and School Crossing Guards.--The  
10 provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response  
11 provider and bystander good Samaritan civil immunity) and 8337.1  
12 (relating to civil immunity of school officers or employees  
13 relating to emergency care, first aid and rescue) shall apply to  
14 a school bus driver and a school crossing guard when all of the  
15 following apply:

16 (1) The school bus driver or school crossing guard  
17 administers an epinephrine [auto-injector] delivery system or  
18 short-acting asthma medication to a student in a manner  
19 consistent with the policies established by all of the  
20 following:

21 \* \* \*

22 Section 3. This act shall take effect in 90 days.