

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

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

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

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

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

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

(f) (1) An epinephrine [auto-injector] delivery system or short-acting asthma medication from the school entity's or nonpublic school's supply of epinephrine [auto-injectors] 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.