

2019 Bill 201

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First Session, 30th Legislature, 68 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 201**

## **PROTECTION OF STUDENTS WITH LIFE-THREATENING ALLERGIES ACT**

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MS ARMSTRONG-HOMENIUK

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 201**

2019

### **PROTECTION OF STUDENTS WITH LIFE-THREATENING ALLERGIES ACT**

*(Assented to \_\_\_\_\_, 2019)*

WHEREAS students with life-threatening allergies should feel safe and supported at school; and

WHEREAS while parents and students remain responsible for providing schools with information regarding life-threatening allergies and supplying the required medication for use at school if needed, the safety of students with life-threatening allergies is vitally important and it is necessary to provide for policies, procedures and emergency medication to protect these students;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### **Definitions**

**1** In this Act,

- (a) “anaphylaxis” means a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock, and “anaphylactic” has a corresponding meaning;
- (b) “board” means
  - (i) a board as defined in the *School Act*,
  - (ii) a board as defined in the *Northland School Division Act*,
  - (iii) the Regional authority of a Francophone Education Region under the *School Act*,

- (iv) a person responsible for the operation of a private school registered under the *School Act*, and
- (v) an operator of a charter school established under the *School Act*;
- (c) “employee” means an employee of a board who regularly works at the school;
- (d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (e) “parent” has the meaning given to it in the *School Act*;
- (f) “principal” means a teacher designated as a principal or acting principal under the *School Act* or the *Northland School Division Act* or the person designated as the principal of a private school;
- (g) “school” means a structured learning environment through which an education program is offered to a student by a board;
- (h) “student” means a person who is enrolled in a school.

### **Establishment of policy**

**2(1)** Every board shall establish and maintain an anaphylaxis policy in accordance with this section.

**(2)** The anaphylaxis policy shall include the following:

- (a) strategies that reduce the risk of exposure to anaphylactic causative agents in classrooms and school common areas;
- (b) a communication plan for the dissemination of information on life-threatening allergies to parents, students and employees;
- (c) mandatory regular training on dealing with life-threatening allergies for all employees;
- (d) a requirement that every principal or designate
  - (i) develop an individual plan for each student who has an anaphylactic allergy,

- (ii) ensure that, upon enrollment, parents and students are asked to supply information on life-threatening allergies, if any, and
- (iii) maintain a file for each anaphylactic student including any current treatments, copies of any prescriptions, any instructions from health professionals and a current emergency contact list.

### **Individual anaphylaxis plans**

**3** An individual plan for a student with an anaphylactic allergy shall be consistent with the policy of a board established under section 2 and shall include

- (a) information for employees and others who are in direct contact with the student on a regular basis regarding the type of allergy, monitoring and avoidance strategies and appropriate treatments,
- (b) a readily accessible emergency procedure for the student, including emergency contact information, and
- (c) provisions for and information regarding storage for epinephrine auto-injectors, where necessary.

### **Record-keeping**

**4(1)** The Minister may make regulations respecting records created under this Act.

**(2)** Regulations made under subsection (1) may provide that records or information created or collected under this Act form part of a student record under section 38.1 of the *School Act*.

### **Stock epinephrine auto-injectors**

**5** A board shall ensure that a minimum of one epinephrine auto-injector is maintained in accordance with the regulations in each school operated by the board.

### **Preauthorized administration of medication**

**6(1)** An employee may be preauthorized to administer or supervise student administration of medication in response to an anaphylactic reaction, and may do so, if

- (a) the information maintained in the student's file under section 2(2)(d)(iii) remains current, and
- (b) consent has been given by the parent or student, as applicable, in the manner prescribed by the regulations.

(2) Parents and students are responsible for ensuring that the information maintained under section 2(2)(d)(iii) remains current.

### **Emergency administration of medication**

7 Even if not preauthorized to do so under section 6(1), an employee may administer an epinephrine auto-injector or other medication prescribed to a student for the treatment of an anaphylactic reaction if the employee has reason to believe that the student is experiencing an anaphylactic reaction.

### **Protection from liability**

8(1) No action lies or may be commenced against a person for anything done or omitted to be done by that person in good faith in response to an anaphylactic reaction in accordance with this Act unless it is established that the act or omission was caused by gross negligence on the part of that person.

(2) For greater certainty, nothing in subsection (1) affects any protection available to a person under the *Emergency Medical Aid Act*.

### **Common law preserved**

9 Nothing in this Act affects or in any way interferes with the duties any person may have under common law.

### **Regulations**

10 The Lieutenant Governor in Council may make regulations

- (a) respecting the type, storage and location of epinephrine auto-injectors, and the provision of epinephrine auto-injectors to schools, in accordance with section 5;
- (b) prescribing the manner of providing consent under section 6(1)(b);

- (c) defining any word or phrase that is not defined in this Act for the purposes of this Act or the regulations.

**Amends SA 2012 cE-0.3**

**11(1) The *Education Act* is amended by this section.**

**(2) The following is added after section 281:**

**Consequential amendment**

**281.01(1) The *Protection of Students with Life-Threatening Allergies Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) by striking out “*School Act*” and substituting “*Education Act*” wherever it occurs, and**

**(b) by repealing clause (b)(iii) and substituting the following:**

(iii) a Francophone regional authority as defined in the *Education Act*;

**(3) Section 4(2) is amended by striking out “under section 38.1 of the *School Act*” and substituting “under section 56 of the *Education Act*”.**

**Coming into force**

**12** This Act comes into force on January 1, 2020.

## **Explanatory Notes**

**11** Amends chapter E-0.3 of the Statutes of Alberta, 2012, by adding a consequential amendment.

