

HOUSE BILL NO. 573

INTRODUCED BY PARKER, DOWELL, GALVIN-HALCRO, HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PARENT OR GUARDIAN OF A DIABETIC STUDENT TO DESIGNATE A SCHOOL DISTRICT EMPLOYEE TO ADMINISTER GLUCAGON TO THE STUDENT IN AN EMERGENCY SITUATION; AND LIMITING THE LIABILITY OF THE SCHOOL EMPLOYEE AND A SCHOOL DISTRICT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definition -- parent-designated adult -- administration of glucagon -- training. (1) As used in [sections 1 and 2], "parent-designated adult" means a school district employee, selected by a parent or guardian of a diabetic student, who voluntarily agrees to administer glucagon to the student.

(2) A parent or guardian of a diabetic student may designate an adult to administer glucagon to the student as provided in subsection (3). Written proof of the designation by a parent or guardian and acceptance of the designation by the parent-designated adult must be filed with the school district.

(3) A parent-designated adult may administer glucagon to a diabetic student in an emergency situation. The glucagon must be provided by the parent or guardian of the student.

(4) A parent-designated adult must be trained in recognizing hypoglycemia and the proper method of administering glucagon. Training must be provided by a health care professional, AS DEFINED IN 33-36-103, or a recognized expert in diabetic care selected by the parent or guardian.

NEW SECTION. Section 2. Limits on liability. (1) A parent-designated adult who administers glucagon pursuant to [section 1] is not liable to a person for civil damages ~~for ordinary negligence in acts or omissions~~ resulting from administering the glucagon UNLESS THE ACTS OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR AN INTENTIONAL TORT.

(2) The school district employing the parent-designated adult is not liable to a person for civil damages ~~for ordinary negligence in acts or omissions~~ resulting from the administration of the glucagon UNLESS THE ACTS OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR AN INTENTIONAL TORT.

NEW SECTION. Section 3. Two-thirds vote required. Because [section 2] limits governmental liability,

Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [sections 1 and 2].

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