

Senate Education Committee

Ryan Meleedy 271-4151

HB 677-FN, requiring schools to maintain a supply of EpiPen injectors and epinephrine nasal spray for use in event of an emergency.

Hearing Date: April 22, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires public schools to maintain supplies of epinephrine auto-injectors and/or epinephrine nasal spray for use in the event of an allergic emergency, requires annual reporting summarizing such supply and use, requires at least one assistive personnel to be available as many hours of the school day are covered, and provides an appropriation to the department of education for reimbursement of such supplies.

Sponsors:

Rep. Drago

Rep. Kuttub

Rep. Nelson

Rep. Soti

Rep. Turer

Rep. Layon

Sen. Birdsell

Who supports the bill: Representative Drago, Danielle Doughty, Nancy Bierman.

Who opposes the bill: No one signed in opposition of this bill.

Who is neutral on the bill: No one signed in neutrality to this bill.

Summary of testimony presented in support:

Representative Mike Drago

- Representative Drago Introduced House Bill 667 as the bill's prime sponsor.
- He explained that last year, the legislature passed enabling legislation, allowing schools to maintain their own supply of epinephrine. He established that this bill would simply make this a requirement for schools.
- He explained that though New Hampshire does not currently keep statistics on instances of epinephrine use in schools, other states that have implemented similar laws have done so, and it has been shown that out of 100,000 pupils,

somewhere between nine and twelve students require the administration of epinephrine while at school each year.

- He explained that a large percentage of students requiring the epinephrine due to an allergic reaction at school are students who were unaware of the allergy causing it, thus not carrying EpiPens on their person.
- Representative Drago explained that he did not intend to cost towns any money, which, in theory, would put the funding responsibilities on the state government. He explained that this would not be a state funding issue because there are already two known organizations that cover the costs, so it would be free of charge for all parties.
- He summarized the bill as a measure to put epinephrine into every school in the state, free of charge, with the potential of saving the lives of many students. He added that the bill has received unanimous, bipartisan support in the House.
- Senator Sullivan highlighted the comments made by a nurse in the House years prior, explaining that the issue isn't that students are unaware of what they are allergic to, but rather that they are introduced to new things while at school that they previously have had no experience with at home, sometimes triggering reactions. She asked Representative Drago if he knew if there was a large population of students who couldn't afford things like EpiPens. Representative Drago explained that EpiPens prices have decreased significantly in recent years. However, they are still expensive, especially if multiple doses are needed. He explained that this could technically allow students with allergies whose families can't afford EpiPens to come to school without one, but it also creates an additional safety net for students who carry them already.
- Senator Altschiller expressed concern with the bill's reliance on outside sources, specifically the programs from pharmaceutical companies that provide the EpiPens for free, as they could potentially fall out of the market and leave the state and local schools responsible for funding this initiative in the future. She explained that this would be an unfunded mandate. She asked if there was another way for the state to create a fund to potentially cover schools in the future, in case the programs providing the free EpiPens cease to exist. Representative Drago explained that his initial perspective on the bill was to have the state fund it by buying massive supplies of EpiPens with the benefit of bulk-purchase savings. He explained that this was ruled out once he discovered that the bulk purchase would not save the state government money. He explained that the mention of the specific free dose programs in the bill does not bind the state from using other programs to provide the doses, and that it is extremely unlikely that these programs will go away.
- Representative Drago explained that the original bill, prior to its amendment in the House, included a state appropriation of funds to provide for the doses, and

that he would not be opposed to amending the bill to bring this back into its language. He reemphasized that he was completely opposed to putting the burden of funding on the towns.

- Senator Prentiss explained that she interpreted the bill as open to any school staffer being able to administer a dose of epinephrine. She asked if this was the intention of the bill. Representative Drago established that the intent is to provide as much coverage for students as possible and give schools the most local control possible. He explained that coaches having EpiPens on their person would be helpful, but that the bill left this up to the school nurse in pursuit of more local control.
- Senator Prentiss viewed the phrase “as many hours as possible” to be overly vague, potentially opening the door for misinterpretations of the bill’s language. She explained that during the early morning hours or evening hours, while students are still present on a school’s campus, there may not be anyone there to administer a dose of epinephrine. She asked if Representative Drago would be open to amending the bill to eliminate any vagueness in its phrasing. Representative Drago explained that he was open to any amendment that the committee felt would support the bill’s efforts.
- Senator Sullivan asked if her understanding was correct that administering epinephrine was already covered under the Good Samaritan law. Representative Drago established that this was correct.
- Senator Prentiss followed up on Senator Sullivan by rhetorically questioning whether the Good Samaritan law covers people when administering the dose if part of their occupation. She stated that she would further look into this following the hearing’s conclusion.