



2024 South Dakota Legislature
Senate Bill 198
ENROLLED

AN ACT

ENTITLED An Act to authorize school districts and nonpublic schools to acquire and administer nasal glucagon.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added to chapter 13-33A:

A licensed health care professional may prescribe nasal glucagon in the name of a school district or nonpublic school for use as provided in this Act.

A licensed health care professional may then dispense or distribute nasal glucagon to an employee of the school district or nonpublic school for use as provided in this Act.

Section 2. That a NEW SECTION be added to chapter 13-33A:

A school district or nonpublic school may acquire and maintain nasal glucagon pursuant to a prescription issued by a licensed health care provider for use on a student experiencing severe hypoglycemia.

Any nasal glucagon acquired in accordance with this Act must be:

- (1) Stored in a secure location, accessible by the school nurse or another employee of the school district or nonpublic school authorized in accordance with section 4 of this Act; and
- (2) Maintained in accordance with the manufacturer's instructions.

Section 3. That a NEW SECTION be added to chapter 13-33A:

A school nurse, or another employee of the school district or nonpublic school authorized in accordance with section 4 of this Act, may administer nasal glucagon acquired in accordance with this Act to a student experiencing severe hypoglycemia if:

- (1) The student's parent or guardian has provided documentation to the school that the student attends, from the student's physician, that the student is diagnosed with diabetes;

- (2) The student's parent or guardian has consented to the administration of nasal glucagon by the school nurse or another employee of the school authorized in accordance with section 4 of this Act; and
- (3) The student's prescribed glucagon is not available onsite or has expired.

Section 4. That a NEW SECTION be added to chapter 13-33A:

The board of a school district or the governing board of a nonpublic school may authorize an employee to administer nasal glucagon to a student if the employee completes training, provided by a licensed health care provider, that addresses:

- (1) Recognizing the symptoms of severe hypoglycemia;
- (2) The procedure for administering nasal glucagon;
- (3) Emergency care for an individual experiencing severe hypoglycemia, including care after administering nasal glucagon; and
- (4) The storage, maintenance, and disposal of nasal glucagon.

The school district or the nonpublic school must maintain documentation of each employee who completes the training and who is authorized to administer nasal glucagon in accordance with this Act.

Section 5. That a NEW SECTION be added to chapter 13-33A:

The following persons may not be held liable for any death, injury, or damage that results from the administration of, or the failure to administer, nasal glucagon if the action or inaction constitutes ordinary negligence:

- (1) A school district or nonpublic school, and any of its employees, agents, or other personnel;
- (2) A licensed health care provider who prescribes nasal glucagon in the name of a school district or nonpublic school;
- (3) A licensed health care provider who dispenses or distributes nasal glucagon to an employee of a school district or nonpublic school; and
- (4) A licensed health care provider who provides training on nasal glucagon to an employee of a school district or nonpublic school.

An Act to authorize school districts and nonpublic schools to acquire and administer nasal glucagon.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 198

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 198
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State