



2026 South Dakota Legislature  
**Senate Bill 8**  
**ENROLLED**

AN ACT

**ENTITLED An Act to permit a school district to administer epinephrine using a nasal spray.**

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

**Section 1. That § 13-33A-4 be AMENDED:**

**13-33A-4.** Any school may acquire and maintain a stock of epinephrine auto-injectors or nasal spray pursuant to a prescription issued by an authorized health care provider for use in an emergency situation of a severe allergic reaction causing anaphylaxis. The provisions of this section are not subject to the prescription requirements in chapter 36-11.

**Section 2. That § 13-33A-5 be AMENDED:**

**13-33A-5.** Each school shall adopt a policy for the use and storage of epinephrine auto-injectors or nasal spray and shall notify the parents or guardians of each student about the policy.

**Section 3. That § 13-33A-6 be AMENDED:**

**13-33A-6.** Any school nurse or other designated school personnel, upon authorization by the governing school body, may:

- (1) Administer an epinephrine auto-injector or nasal spray to a student in accordance with a prescription specific to the student on file with the school;
- (2) Administer an epinephrine auto-injector or nasal spray to any student during school hours if the school nurse or designated school personnel believe that the student is experiencing anaphylaxis in accordance with a standing protocol from an authorized health care provider, regardless of whether a student has a prescription for an epinephrine auto-injector or nasal spray or has been diagnosed with an allergy.

**Section 4. That § 13-33A-7 be AMENDED:**

**13-33A-7.** Prior to administering an epinephrine auto-injector or nasal spray made available by the school, each designated school personnel shall be trained by a licensed health care professional:

- (1) To recognize the symptoms of a severe allergy or anaphylactic reaction;
- (2) To know the procedure for the administration of an epinephrine auto-injector or nasal spray;
- (3) To know the procedure for storage of an epinephrine auto-injector or nasal spray; and
- (4) To know the emergency care and aftercare for a student who has an allergic or anaphylactic reaction.

**Section 5. That § 13-33A-8 be AMENDED:**

**13-33A-8.** No school district, administrator, school board, school nurse, or designated school personnel that possess or make available epinephrine auto-injectors or nasal spray pursuant to §§ 13-33A-4 to 13-33A-8, inclusive; authorized health care provider that prescribes epinephrine auto-injectors or nasal spray to a school; or a health care professional that provides training pursuant to § 13-33A-7 may be held liable for any injury or related damage that results from the administration of, self-administration of, or failure to administer an epinephrine auto-injector or nasal spray that may constitute ordinary negligence. This immunity does not apply to an act or omission constituting gross, willful, or wanton negligence. The administration of an epinephrine auto-injector or nasal spray in accordance with the provisions of §§ 13-33A-4 to 13-33A-8, inclusive, does not constitute the practice of medicine. The immunity from liability provided under this section is in addition to, not in lieu of, that provided in any other law.

An Act to permit a school district to administer epinephrine using a nasal spray.

\_\_\_\_\_

\_\_\_\_\_

I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 8

2026 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., 2026

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2026  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of State

Senate Bill No. 8  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State