



Province of Alberta

PROTECTION OF STUDENTS WITH LIFE-THREATENING ALLERGIES ACT

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Preamble

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 *Education Act*,
 - (ii) a board as defined in the *Northland School Division Act*,
 - (iii) a Francophone regional authority as defined in the *Education Act*;
 - (iv) a person responsible for the operation of a private school registered under the *Education Act*, and
 - (v) an operator of a charter school established under the *Education 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 *Education Act*;
- (f) “school” means a structured learning environment through which an education program is offered to a student by a board;
- (g) “student” means a person who is enrolled in a school.

2012 cE-0.3 s281.01;2019 cP-30.6 s1

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 the board ensures that
 - (i) a risk reduction plan that meets the requirements set out in section 3 is in place in each school,
 - (ii) upon enrollment, parents and students are asked to supply information on life-threatening allergies, if any, and
 - (iii) each school operated by the board maintains a file for every student who has an anaphylactic allergy including any current treatments, copies of any prescriptions, any instructions from health professionals and a current emergency contact list.

Risk reduction plan

3 A risk reduction plan for a school shall include

- (a) information about each student who has an anaphylactic allergy,
- (b) information for employees and others who on a regular basis are in direct contact with a student who has an anaphylactic allergy regarding the type of allergy, monitoring and avoidance strategies and appropriate treatments,
- (c) a readily accessible emergency procedure for each student, including emergency contact information, and
- (d) 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 56 of the *Education Act*.

2012 cE-0.3 s281.01;2019 cP-30.6 s4

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.

11 *(This section amends the Education Act; the amendment has been incorporated into that Act.)*

Coming into force

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



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