

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 30, 2004 LB 868

She waives closing. The question before the body is adoption of AM3096, offered by Senator Redfield to LB 868. All in favor vote aye, opposed nay. Voting on adoption of the Redfield amendment, AM3096. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Redfield's amendment.

SENATOR CUDABACK: The motion was successful. The amendment has been adopted. Mr. Clerk, next amendment.

CLERK: Mr. President, Senator Raikes, I now have AM3463 in front of me, Senator. (Legislative Journal page 1333-1334.)

SENATOR CUDABACK: Senator Raikes, to open on your amendment.

SENATOR RAIKES: Thank you, Mr. President and members. Let me give you some background on this particular amendment. Last...during this past year, the State Department of Education adopted Rule 59, which deals with emergency procedures for students that are experiencing sort of asthmatic attacks. I think it's...anaphylaxis is maybe the correct name. But, at any rate, this has been a problem experienced in schools and the approach being suggested in Rule 59 is that a school would be required to have a person, a teacher or a nurse, on each floor of a building that is...has had training to provide a procedure as a remedy to this. And this procedure involves...let's call it an EpiPen I think. It involves giving the student an injection to counteract whatever is causing the asthmatic reaction. As I say, this is something that's been ongoing for a number of years in the...well, maybe not, maybe that's an exaggeration, but for quite awhile in terms of the State Board of Education's dealing with it. They did adopt the rule not quite a year ago, I think, and the rule would go into effect this next fall. The issue that comes up is this one; is that if a teacher is trained to provide this sort of procedure or to do this response, emergency response, then if they do that in a responsible fashion but things don't go well for whatever reason, again these would not be medical people, these would be trained teachers, would the teacher be liable or, if it is a