

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 296**

Introduced by McCollister, 20.

Read first time January 11, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil liability; to amend section
- 2 25-21,280, Reissue Revised Statutes of Nebraska; to provide and
- 3 change immunity provisions with respect to asthma and allergic
- 4 reactions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,280, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 25-21,280 (1) Any person employed by a school approved or accredited  
4 by the State Department of Education, employed by an educational service  
5 unit and working in a school approved or accredited by the department, or  
6 employed by an early childhood education program approved by the  
7 department who serves as a school nurse or medication aide or who has  
8 been designated and trained by the school, educational service unit, or  
9 program as a nonmedical staff person to implement the emergency response  
10 to life-threatening asthma or systemic allergic reactions protocols  
11 adopted by the school, educational service unit, or program shall be  
12 immune from civil liability for any act or omission in rendering  
13 emergency care for a person experiencing a potentially life-threatening  
14 asthma or allergic reaction event on school grounds, in a vehicle being  
15 used for school purposes, in a vehicle being used for educational service  
16 unit purposes, at a school-sponsored activity or athletic event, at a  
17 facility used by the early childhood education program, in a vehicle  
18 being used for early childhood education program purposes, or at an  
19 activity sponsored by the early childhood education program which results  
20 in damage or injury unless such damage or injury was caused by the  
21 willful or wanton act or omission of such employee.

22 (2) The individual immunity granted by subsection (1) of this  
23 section shall not extend to the school district, educational service  
24 unit, or early childhood education program and shall not extend to any  
25 act or omission of such employee which results in damage or injury if the  
26 damage or injury is caused by such employee while impaired by alcohol or  
27 any controlled substance enumerated in section 28-405.

28 (3) Any school nurse, such nurse's designee, or other designated  
29 adult described in section 79-224 shall be immune from civil liability  
30 for any act or omission described in such section which results in damage  
31 or injury unless such damage or injury was caused by the willful or

1 wanton act or omission of such school nurse, nurse's designee, or  
2 designated adult.

3 (4) Any physician or other health care professional who prescribes  
4 and any pharmacist who dispenses non-patient-specific medication to a  
5 school, educational service unit, or program described in subsection (1)  
6 of this section for the purpose of implementing the emergency response to  
7 life-threatening asthma or systemic allergic reactions protocols adopted  
8 by such school, educational service unit, or program shall be immune from  
9 civil liability for any act or omission which results in damage or injury  
10 unless such damage or injury was caused by the willful or wanton act or  
11 omission of such individual.

12 Sec. 2. Original section 25-21,280, Reissue Revised Statutes of  
13 Nebraska, is repealed.