



**Kimberly Martin**

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**SB 328 Permitting a pharmacist to distribute pre-measured doses of epinephrine to a school for emergency medication kits.**

**Proponent In Person**

**January 28, 2026**

**Chairperson Gossage and Members of the Committee:**

Thank you for the opportunity to provide proponent testimony on behalf of the **Kansas School Nurses Organization (KSNO)**. We stand in strong support of **SB 328**.

This bill takes a critical step for student safety by updating existing Kansas law to replace the restrictive term "epinephrine auto-injector" with the broader, inclusive language of "**epinephrine delivery system**." This simple but profound change allows Kansas schools to utilize *any* FDA-approved life-saving medication for anaphylaxis, rather than being legally tied to a specific device that is becoming outdated.

**Why This Change is Urgent**

**1. Keeping Kansas Law Aligned with Medical Science** Science moves faster than statutes. The FDA has now approved **Neffy**, the first needle-free epinephrine nasal spray.

- Under current law, Kansas schools are technically prohibited from stocking this FDA-approved option simply because it is a spray, not an "auto-injector."
- **SB 328** fixes this by focusing the law on the *medication* (epinephrine) rather than the mechanism. This "future-proofs" our schools against needing to return to the legislature every time medical technology advances.

**2. Removing Barriers for Lay Responders** School nurses are not always the first to arrive at a medical emergency. Often, a teacher, coach, or bus driver must act in seconds.

- **Needle Phobia:** Lay responders often hesitate to use auto-injectors due to fear of needles or fear of hurting the child. A nasal spray option significantly lowers this psychological barrier, increasing the likelihood that life-saving aid is administered immediately.
- **Ease of Use:** Recent data confirms that untrained individuals can administer nasal epinephrine with high reliability.

**3. Supply Chain and Budget Protection** Schools have historically faced nationwide shortages and skyrocketing prices for EpiPens® and generic auto-injectors.

- By broadening the definition to "epinephrine delivery system," SB 328 fosters competition. It allows districts to purchase whatever product is available and affordable—whether that is an auto-injector or a nasal spray.
- Restricting the law to "auto-injectors" unintentionally creates a monopoly that hurts school district budgets.

**4. Durability in Rural Kansas** Auto-injectors are sensitive to temperature and can degrade if left in hot vehicles or cold storage. Newer non-injectable delivery systems have demonstrated higher stability (freeze/thaw tolerance), which is vital for rural districts where medications may need to be carried on long bus routes during Kansas's extreme weather seasons.

### Alignment with Other States

Passage of SB 328 would place Kansas among the leaders in modernizing school health safety, aligning us with states that have recently updated their laws to include new delivery technologies:

- **Ohio:** Recently passed legislation (HB 462) specifically to include nasal spray epinephrine in schools.
- **Missouri:** Currently advancing similar legislation (HB 1826 / SB 1260) to change "auto-injector" to "epinephrine delivery device."
- **Texas:** Updating statutes (SB 1619) to replace "auto-injector" with "delivery device" to lower costs and increase access.
- **New York & Washington:** Allow schools to stock "epinephrine delivery devices," ensuring they are not restricted to needles only.

### Conclusion

**SB 328 is a common-sense update.** It costs the state nothing, but it grants local school districts the flexibility to choose the most effective, affordable, and user-friendly tools to save a child's life.

The Kansas School Nurses Organization urges the Committee to pass SB 328 favorably to ensure that when a student has a life threatening allergic reaction, school staff have the best treatments available to help them.

Thank you for your dedication to the health and safety of Kansas students.

Respectfully,

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Kansas School Nurses Organization Legislative Chair

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## References

1. **FDA Approval:** FDA News Release. "FDA Approves First Nasal Spray for Treatment of Anaphylaxis" (August 9, 2024).
2. **Missouri Legislature:** *HB 1826 / SB 1260 - Modifies provisions relating to the administration of epinephrine.* (2025-2026 Session).
3. **Ohio Legislature:** *House Bill 462 - Regards epinephrine in schools.* (Passed House Nov 2024).
4. **Texas Legislature:** *SB 1619 - Relating to the maintenance and administration of epinephrine delivery devices.* (89th Legislature).
5. **Clinical Data:** *Umasunthar T, et al. "Incidence of fatal food anaphylaxis in people with food allergy."* *Clinical & Experimental Allergy.*