ENROLLED SENATE
BILL NO. 343

By: Pruitt and Easley of the Senate

and

Winchester, Easley, Harrison, Smith (Dale) and Liotta of the House

An Act relating to schools; authorizing self-medication of inhaled asthma medication; requiring school districts to adopt policy for certain self-administration of medication; stating required policy; providing definitions; limiting time of authorization; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-116.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of Section 1-116.2 of Title 70 of the Oklahoma Statutes, the board of education of each school district shall adopt a policy on or before September 1, 2003, that permits the self-administration of inhaled asthma medication by a student for treatment of asthma. The policy shall require:

1. The parent or guardian of the student to authorize in writing the student's self-administration of medication;

2. The parent or guardian of the student to provide to the school a written statement from the physician treating the student that the student has asthma and is capable of, and has been instructed in the proper method of, self-administration of medication;

3. The parent or guardian of the student to provide to the school an emergency supply of the student's medication to be administered pursuant to the provisions of Section 1-116.2 of Title 70 of the Oklahoma Statutes;

4. The school district to inform the parent or guardian of the student, in writing, that the school district and its employees and agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student; and

5. The parent or guardian of the student to sign a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the student.

B. As used in this section:

1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, prescribed by a physician and having an individual label; and

2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician.

C. The permission for self-administration of asthma medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section.

D. A student who is permitted to self-administer asthma medication pursuant to this section shall be permitted to possess and use a prescribed inhaler at all times.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of March, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2003.

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Presiding Officer of the House
of Representatives