

1 ENGROSSED HOUSE
2 BILL NO. 2239

By: Schwartz, McDaniel
(Jeannie), Enns, Dank,
McCullough, Kiesel,
Renegar, Gilbert and
Pittman of the House

and

Crain of the Senate

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9 An Act relating to schools; amending Section 1,
10 Chapter 143, O.S.L. 2003 (70 O.S. Supp. 2007, Section
11 1-116.3), which relates to self-administration of
12 inhaled asthma medication; expanding permission for
self-administration to anaphylaxis medication;
changing date for adoption of school district policy;
modifying definitions; and declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 143, O.S.L.
17 2003 (70 O.S. Supp. 2007, Section 1-116.3), is amended to read as
18 follows:

19 Section 1-116.3 A. Notwithstanding the provisions of Section
20 1-116.2 of ~~Title 70 of the Oklahoma Statutes~~ this title, the board
21 of education of each school district shall adopt a policy on or
22 before September 1, ~~2003~~ 2008, that permits the self-administration
23 of inhaled asthma medication by a student for treatment of asthma

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1 and the self-administration of anaphylaxis medication by a student
2 for treatment of anaphylaxis. The policy shall require:

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

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

10 3. The parent or guardian of the student to provide to the
11 school an emergency supply of the student's medication to be
12 administered pursuant to the provisions of Section 1-116.2 of ~~Title~~
13 ~~70 of the Oklahoma Statutes~~ this title;

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

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

22 B. As used in this section:

23 1. "Medication" means a metered dose inhaler or a dry powder
24 inhaler to alleviate asthmatic symptoms, prescribed by a physician

1 and having an individual label, or an anaphylaxis medication used to
2 treat anaphylaxis, including but not limited to Epinephrine
3 injectors, prescribed by a physician and having an individual label;
4 and

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

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

11 D. A student who is permitted to self-administer asthma or
12 anaphylaxis medication pursuant to this section shall be permitted
13 to possess and use a prescribed inhaler or anaphylaxis medication,
14 including but not limited to an Epinephrine injector, at all times.

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

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1 Passed the House of Representatives the 20th day of February,
2 2008.

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5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the ____ day of _____, 2008.

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10 Presiding Officer of the Senate

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