

THE HOUSE OF REPRESENTATIVES
Monday, February 18, 2008

House Bill No. 2239

HOUSE BILL NO. 2239 - By: SCHWARTZ AND MCDANIEL (JEANNIE) of the House and CRAIN of the Senate.

An Act relating to schools; amending Section 1, Chapter 143, O.S.L. 2003 (70 O.S. Supp. 2007, Section 1-116.3), which relates to self-administration of 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.

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

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

3 Section 1-116.3 A. Notwithstanding the provisions of Section 1-116.2 of ~~Title 70 of~~
4 ~~the Oklahoma Statutes~~ this title, the board of education of each school district shall
5 adopt a policy on or before September 1, ~~2003~~ 2008, that permits the self-administration
6 of inhaled asthma medication by a student for treatment of asthma and the self-
7 administration of anaphylaxis medication by a student for treatment of anaphylaxis.

8 The policy shall require:

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

11 2. The parent or guardian of the student to provide to the school a written
12 statement from the physician treating the student that the student has asthma or

1 anaphylaxis and is capable of, and has been instructed in the proper method of, self-
2 administration of medication;

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

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

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

12 B. As used in this section:

13 1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate
14 asthmatic symptoms, prescribed by a physician and having an individual label, or an
15 anaphylaxis medication used to treat anaphylaxis, including but not limited to
16 Epinephrine injectors, prescribed by a physician and having an individual label; and

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

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

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-14-08 - DO
9 PASS, As Coauthored.