

EHB 2239

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2239

As Amended

ENGROSSED HOUSE BILL NO. 2239 - By: Schwartz, McDaniel (Jeannie),
Enns, Dank, McCullough, Kiesel, Renegar, Gilbert and Pittman of the
House and Crain of the Senate.

An Act relating to schools **and public health and safety**;
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;
**directing the State Department of Health and the State
Department of Education to facilitate development of a
physical fitness assessment software program; specifying
capabilities of program; providing for selection of schools
to pilot program; stating purpose of pilot program;
providing for codification;** and declaring an emergency.

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

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

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

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:

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

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

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

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

17 **SECTION 2. NEW LAW A new section of law to be codified**
18 **in the Oklahoma Statutes as Section 1-559.2 of Title 63, unless**
19 **there is created a duplication in numbering, reads as follows:**

20 A. The State Department of Health and the State Department of
21 Education shall facilitate the development of a physical fitness
22 assessment software program customized for public schools in this

1 state that has the capability to track the five components of
2 student health-related physical fitness, including:

- 3 1. Aerobic capacity;
- 4 2. Muscular strength;
- 5 3. Muscular endurance;
- 6 4. Flexibility; and
- 7 5. A weight status assessment that includes measurement of
8 height and weight, calculation of body mass index (BMI) for age, and
9 plotting of these measures on standard growth charts.

10 The software program shall have the capability of creating a
11 confidential individual student report for parents that includes an
12 explanation of the data and suggestions for appropriate actions that
13 may be taken to improve the health-related physical fitness level of
14 the student. In addition, the software program shall be developed
15 and made accessible to school districts at no cost.

16 B. The State Department of Health in consultation with the
17 State Department of Education and the Governor's Council on Physical
18 Fitness and Sports shall select at least fifteen (15) elementary
19 schools statewide to pilot the software program during the 2008-2009
20 school year. Pilot schools shall assess all students in grades
21 three, four and five. The purpose of the pilot shall be to:

- 22 1. Evaluate methods for administering the physical fitness
23 assessment to students;

- 1 2. Evaluate methods for reporting to parents;
- 2 3. Evaluate the software program to ensure that it provides for
- 3 the collection of data by school district in an efficient and cost
- 4 effective manner; and
- 5 4. Evaluate the usefulness of the health-related fitness
- 6 testing manual.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-31-08 - DO
12 PASS, As Amended.