

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2239

By: Schwartz

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6 AS INTRODUCED

7 An Act relating to schools; amending Section 1,
8 Chapter 143, O.S.L. 2003 (70 O.S. Supp. 2007, Section
9 1-116.3), which relates to self-administration of
10 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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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 1, Chapter 143, O.S.L.
15 2003 (70 O.S. Supp. 2007, Section 1-116.3), is amended to read as
16 follows:

17 Section 1-116.3 A. Notwithstanding the provisions of Section
18 1-116.2 of ~~Title 70 of the Oklahoma Statutes~~ this title, the board
19 of education of each school district shall adopt a policy on or
20 before September 1, ~~2003~~ 2008, that permits the self-administration
21 of inhaled asthma medication by a student for treatment of asthma
22 and the self-administration of anaphylaxis medication by a student
23 for treatment of anaphylaxis. The policy shall require:

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

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

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

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

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

20 B. As used in this section:

21 1. "Medication" means a metered dose inhaler or a dry powder
22 inhaler to alleviate asthmatic symptoms, prescribed by a physician
23 and having an individual label, or an anaphylaxis medication used to
24 treat anaphylaxis, including but not limited to Epinephrine

1 injectors, prescribed by a physician and having an individual label;
2 and

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

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

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

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

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