

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3128

By: Enns

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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
11 self-administration to anaphylaxis medication;
12 changing date for adoption of school district policy;
13 allowing a school employee to administer medication
14 in emergencies; providing for liability of school
15 employee; modifying definitions; and declaring an
16 emergency.

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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
and the self-administration of anaphylaxis medication by a student
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~~ which a school employee may administer to the student
11 pursuant to the provisions of Section 1-116.2 of Title 70 of the
12 Oklahoma Statutes this title. In an emergency a school employee may
13 also administer to the student the medication carried by the student
14 as permitted pursuant to this section;

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

19 5. The parent or guardian of the student to sign a statement
20 acknowledging that the school district shall incur no liability as a
21 result of any injury arising from the self-administration of
22 medication by the student or from administration of medication to
23 the student by a school employee as provided for in this section and
24 Section 1-116.2 of this title.

1 B. As used in this section:

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

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

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

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

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

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24 51-2-9666 KB 01/17/08