

1 **SENATE FLOOR VERSION**

2 March 20, 2012

3 As Amended

4 ENGROSSED HOUSE
5 BILL NO. 2700

6 By: Fourkiller, Nollan and
7 Hickman of the House

8 and

9 Crain of the Senate

10 **[schools - medication - prescription - Epinephrine -
11 effective date]**

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.3, is
14 amended to read as follows:

15 Section 1-116.3. A. Notwithstanding the provisions of Section
16 1-116.2 of this title, the board of education of each school
17 district shall adopt a policy on or before September 1, 2008, that
18 permits the self-administration of inhaled asthma medication by a
19 student for treatment of asthma and the self-administration of
20 anaphylaxis medication by a student for treatment of anaphylaxis.
21 The policy shall require:

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

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

6 3. The parent or guardian of the student to provide to the
7 school an emergency supply of the student's medication to be
8 administered pursuant to the provisions of Section 1-116.2 of this
9 title;

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

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

18 B. The school board of each school district shall amend the
19 policy identified in subsection A of this section. The amended
20 policy shall allow:

21 1. The school district to inform the parent or guardian of each
22 student, in writing, that a school nurse or trained school employee
23 may administer, without a health care provider order, an Epinephrine
24 injector to a student whom the school nurse or trained school

1 employee in good faith professionally believes is having an
2 anaphylaxis reaction, regardless of whether the medication was
3 authorized; and

4 2. The school district and its employees and agents to incur no
5 liability as a result of any injury arising pursuant to paragraph 1
6 of this subsection.

7 C. A licensed physician may write a prescription for
8 Epinephrine injectors to be maintained at each school site.

9 D. The school district may maintain at each school a minimum of
10 two Epinephrine injectors in a secure location.

11 E. As used in this section:

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

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

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

24

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

5 SECTION 2. This act shall become effective November 1, 2012.

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-19-12 - DO
7 PASS, As Amended and Coauthored.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24