

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2700

By: Fourkiller

4
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 1-116.3, which relates to the self-
8 administration of inhaled asthma or anaphylaxis
9 medication; allowing school districts to amend
10 certain policy; permitting physician to write certain
prescription; allowing school districts to maintain a
minimum number of Epinephrine injectors at each
school; and providing an effective date.

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

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

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

22 The policy shall require:

23 1. The parent or guardian of the student to authorize in
24 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 an Epinephrine injector to a student whom the school
24 nurse or trained school employee in good faith professionally

1 believes is having an anaphylaxis reaction, regardless of whether
2 the medication was authorized; and

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

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

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

10 ~~B.~~ E. As used in this section:

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

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

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

23 ~~D.~~ G. A student who is permitted to self-administer asthma or
24 anaphylaxis medication pursuant to this section shall be permitted

1 to possess and use a prescribed inhaler or anaphylaxis medication,
2 including but not limited to an Epinephrine injector, at all times.

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

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5 53-2-9161 AM 01/18/12

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