

05/16/2013 02:38:43 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2101**

By: Fourkiller of the House and Jolley of the Senate

Title: Schools; Epinephrine pens at schools; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

HB2101 CCR A  
HB2101 CCR (A)  
**HOUSE CONFEREES**

Cox, Doug  m.p. Derby, David



Echols, Jon  Enns, John



Grau, Randy  Hamilton, Rebecca



Hulbert, Arthur  McDaniel, Jeannie



Mulready, Glen  Ritze, Mike



Shelton, Mike 

**SENATE CONFEREES**

Jolley

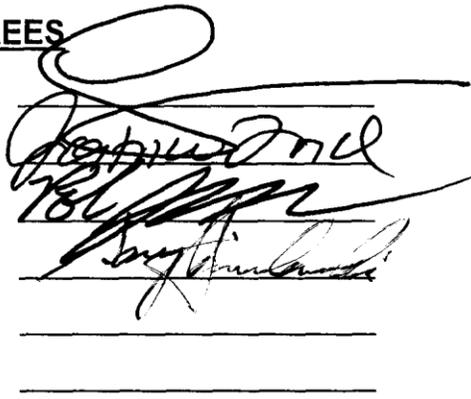
Ford

Johnson (Rob)

Stanislawski

Shumate

Paddack

Handwritten signatures and lines corresponding to the names listed on the left. The signature for Johnson (Rob) is the most prominent and appears to be written over the lines for Ford and Johnson. There are also lines for Shumate and Paddack that are not filled with signatures.

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2101

By: Fourkiller, Hoskin and  
Sherrer of the House

7 and

Jolley of the Senate

8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,  
12 Section 1-116.3, which relates to the self-  
13 administration of inhaled asthma or anaphylaxis  
14 medication; requiring all school districts that elect  
15 to stock Epinephrine injectors to amend certain  
16 policy; requiring certain provisions in policy;  
17 excluding certain liability of school district;  
18 permitting certain physician to write certain  
19 prescription; allowing school districts to maintain a  
20 minimum number of Epinephrine injectors at each  
21 school; providing for certain interpretation;  
22 requiring school employee to contact 911 under  
23 certain circumstance; requiring State Board of  
24 Education to develop certain policy and to promulgate  
certain rules; and providing an effective date.

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

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

1 Section 1-116.3 A. Notwithstanding the provisions of Section  
2 1-116.2 of this title, the board of education of each school  
3 district shall adopt a policy on or before September 1, 2008, that  
4 permits the self-administration of inhaled asthma medication by a  
5 student for treatment of asthma and the self-administration of  
6 anaphylaxis medication by a student for treatment of anaphylaxis.  
7 The policy shall require:

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

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

15 3. The parent or guardian of the student to provide to the  
16 school an emergency supply of the student's medication to be  
17 administered pursuant to the provisions of Section 1-116.2 of this  
18 title;

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

23 5. The parent or guardian of the student to sign a statement  
24 acknowledging that the school district shall incur no liability as a

1 result of any injury arising from the self-administration of  
2 medication by the student.

3 B. The school board of each school district that elects to  
4 stock Epinephrine injectors shall amend the policy identified in  
5 subsection A of this section. The amended policy shall require:

6 1. The school district to inform the parent or guardian of each  
7 student, in writing, that a school nurse or school employee trained  
8 by a health care professional or trained in correlation with the  
9 State Department of Health's Diabetes Management Annual School  
10 Training Program may administer, with parent or guardian permission  
11 but without a health care provider order, an Epinephrine injection  
12 to a student whom the school nurse or trained school employee in  
13 good faith believes is having an anaphylactic reaction;

14 2. A waiver of liability executed by a parent or guardian be on  
15 file with the school district prior to the administration of an  
16 Epinephrine injection pursuant to paragraph 1 of this subsection;  
17 and

18 3. The school district to designate the employee responsible  
19 for obtaining the Epinephrine injectors at each school site.

20 C. The school district and its employees and agents shall incur  
21 no liability as a result of any injury arising pursuant to the  
22 discharge or nondischarge of the powers provided for pursuant to  
23 paragraph 1 of subsection B of this section.

1 D. A licensed physician who has prescriptive authority may  
2 write a prescription for Epinephrine injectors to the school  
3 district in the name of the district as a body corporate specified  
4 in Section 5-105 of this title which shall be maintained at each  
5 school site. Such physician shall incur no liability as a result of  
6 any injury arising from the use of the Epinephrine injectors.

7 E. The school district may maintain at each school a minimum of  
8 two Epinephrine injectors in a secure location. Provided, however,  
9 that nothing in this section shall be construed as creating or  
10 imposing a duty on a school district to maintain Epinephrine  
11 injectors at a school site or sites.

12 F. In the event a student is believed to be having an  
13 anaphylactic reaction, a school employee shall contact 911 as soon  
14 as possible.

15 G. The State Board of Education, in consultation with the State  
16 Board of Health, shall develop a model policy which school districts  
17 may use in compliance with this section.

18 H. The State Board of Education, in consultation with the State  
19 Board of Health, shall promulgate rules to implement this section.

20 I. 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 ~~E.~~ J. 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.~~ K. 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. This act shall become effective November 1, 2013.

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15 54-1-7997 AM 05/02/13

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