

1 **SENATE FLOOR VERSION**

2 March 18, 2013

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2101

6 By: Fourkiller, Hoskin and
7 Sherrer of the House

8 and

9 Jolley of the Senate

10 **[schools - self-administration of inhaled asthma or
11 anaphylaxis medication - certain policy - liability -
12 Epinephrine injectors - effective date]**

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 that elects to
19 stock epinephrine injectors shall amend the policy identified in
20 subsection A of this section. The amended 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 school employee trained
23 by a health care professional or trained in correlation with the
24 State Department of Health's Diabetes Management Annual School

1 Training Program, may administer, without a health care provider
2 order, an Epinephrine injector to a student whom the school nurse or
3 trained school employee in good faith believes is having an
4 anaphylaxis reaction; and

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

8 C. A licensed physician who has prescriptive authority may
9 write a prescription for Epinephrine injectors to be maintained at
10 each school site. Such physician shall incur no liability as a
11 result of any injury arising from the use of the Epinephrine
12 injectors.

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

15 E. As used in this section:

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

22 2. "Self-administration" means a student's use of medication
23 pursuant to prescription or written direction from a physician.
24

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

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

9 SECTION 2. This act shall become effective November 1, 2013.

10 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
11 March 18, 2013 - DO PASS AS AMENDED

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