

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2101

By: Fourkiller

4
5
6 AS INTRODUCED

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

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

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

20 Section 1-116.3 A. Notwithstanding the provisions of Section
21 1-116.2 of this title, the board of education of each school
22 district shall adopt a policy on or before September 1, 2008, that
23 permits the self-administration of inhaled asthma medication by a
24 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 pursuant to the provisions of Section 1-116.2 of this
11 title;

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

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

20 B. The school board of each school district that elects to
21 stock epinephrine injectors shall amend the policy identified in
22 subsection A of this section. The amended policy shall allow:

23 1. The school district to inform the parent or guardian of each
24 student, in writing, that a school nurse or school employee trained

1 by a health care professional or trained in correlation with the
2 State Department of Health's Diabetes Management Annual School
3 Training Program, may administer, without a health care provider
4 order, an Epinephrine injector to a student whom the school nurse or
5 trained school employee in good faith believes is having an
6 anaphylaxis reaction; and

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

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

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

17 E. As used in this section:

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

24

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

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

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

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

12
13
14
15
16
17
18
19
20
21
22
23
24

54-1-6131 AM 12/26/12