

1 ENGROSSED HOUSE  
2 BILL NO. 2101

By: Fourkiller, Hoskin and  
Sherrer of the House

3 and

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

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

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

18 Section 1-116.3 A. Notwithstanding the provisions of Section  
19 1-116.2 of this title, the board of education of each school  
20 district shall adopt a policy on or before September 1, 2008, that  
21 permits the self-administration of inhaled asthma medication by a  
22 student for treatment of asthma and the self-administration of  
23 anaphylaxis medication by a student for treatment of anaphylaxis.  
24 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

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

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

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

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

Passed the House of Representatives the 5th day of March, 2013.

Presiding Officer of the House  
of Representatives

Passed the Senate the       day of       , 2013.

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Presiding Officer of the Senate