

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 2101

By: Fourkiller of the House

5 and

6 Jolley of the Senate

7
8
9 AS INTRODUCED

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

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

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

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

1 student for treatment of asthma and the self-administration of
2 anaphylaxis medication by a student for treatment of anaphylaxis.

3 The policy shall require:

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

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

11 3. The parent or guardian of the student to provide to the
12 school an emergency supply of the student's medication to be
13 administered pursuant to the provisions of Section 1-116.2 of this
14 title;

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

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

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

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

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

15 C. A licensed physician who has prescriptive authority may
16 write a prescription for Epinephrine injectors to be maintained at
17 each school site. Such physician shall incur no liability as a
18 result of any injury arising from the use of the Epinephrine
19 injectors.

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

22 E. As used in this section:

1 1. "Medication" means a metered dose inhaler or a dry powder
2 inhaler to alleviate asthmatic symptoms, prescribed by a physician
3 and having an individual label, or an anaphylaxis medication used to
4 treat anaphylaxis, including but not limited to Epinephrine
5 injectors, prescribed by a physician and having an individual label;
6 and

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/20/2013 -
20 DO PASS, As Coauthored.