

An Act

ENROLLED SENATE
BILL NO. 381

By: Floyd of the Senate

and

Dollens and Sims of the
House

An Act relating to schools; amending 70 O.S. 2011, Section 1-116.3, as amended by Section 1, Chapter 397, O.S.L. 2013 (70 O.S. Supp. 2018, Section 1-116.3), which relates to self-administration of medication; requiring a school district board of education that elects to stock inhalers to amend certain policy; establishing requirements for policy; updating references; providing definitions; providing an effective date; and declaring an emergency.

SUBJECT: School policy on administering medication

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.3, as amended by Section 1, Chapter 397, O.S.L. 2013 (70 O.S. Supp. 2018, Section 1-116.3), is amended to read as follows:

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

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

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

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

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

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

B. The school board of each school district that elects to stock Epinephrine injectors or inhalers shall amend the policy identified in subsection A of this section.

1. The amended policy for Epinephrine injectors shall require:

~~1. The~~

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

~~2. A~~

- b. a waiver of liability executed by a parent or guardian be on file with the school district prior to the administration of an Epinephrine injection pursuant to paragraph 1 of this subsection~~7~~, and

~~3. The~~

- c. the school district to designate the employee responsible for obtaining the Epinephrine injectors at each school site.

2. The amended policy for inhalers shall require:

- a. the school district to inform the parent or guardian of each student, in writing, that a school nurse or school employee trained by a health care professional may administer an inhaler to a student whom the school nurse or trained school employee in good faith believes is having respiratory distress,
- b. the school district to designate the employee responsible for obtaining the inhalers and spacers or holding chambers at each school site, and
- c. the school district to notify the parent or guardian of a student after administration of an inhaler.

C. The school district and its employees and agents shall incur no liability as a result of any injury arising pursuant to the discharge or nondischarge of the powers provided for pursuant to ~~paragraph~~ subparagraph a of paragraphs 1 and 2 of subsection B of this section.

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

use of the Epinephrine injectors or the inhalers and spacers or holding chambers.

E. The school district may maintain at each school a minimum of two Epinephrine injectors and two inhalers with spacers or holding chambers in a secure location. Provided, however, that nothing in this section shall be construed as creating or imposing a duty on a school district to maintain Epinephrine injectors or inhalers with spacers or holding chambers at a school site or sites.

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

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

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

I. As used in this section:

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

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

3. "Respiratory distress" means the perceived or actual presence of coughing, wheezing or shortness of breath; and

4. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

J. 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.

K. 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 July 1, 2019.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 14th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____