

1 **SENATE FLOOR VERSION**

2 February 11, 2019

3 SENATE BILL NO. 381

By: Floyd of the Senate

4 and

5 Dollens of the House

6
7
8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1-116.3, as amended by Section 1, Chapter
10 397, O.S.L. 2013 (70 O.S. Supp. 2018, Section 1-
11 116.3), which relates to self-administration of
12 medication; requiring a school district board of
13 education that elects to stock inhalers to amend
14 certain policy; establishing requirements for policy;
15 updating references; providing definitions; providing
16 an effective date; and declaring an emergency.

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

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

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

1 anaphylaxis medication by a student for treatment of anaphylaxis.

2 The policy shall require:

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

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

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

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

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

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

1 1. The amended policy for Epinephrine injectors shall require:

2 ~~1. The~~

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

13 ~~2. A~~

14 b. a waiver of liability executed by a parent or guardian
15 be on file with the school district prior to the
16 administration of an Epinephrine injection pursuant to
17 paragraph 1 of this subsection~~†~~† and

18 ~~3. The~~

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

22 2. The amended policy for inhalers shall require:

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

1 school employee trained by a health care professional
2 may administer an inhaler to a student whom the school
3 nurse or trained school employee in good faith
4 believes is having respiratory distress,

5 b. the school district to designate the employee
6 responsible for obtaining the inhalers and spacers or
7 holding chambers at each school site, and

8 c. the school district to notify the parent or guardian
9 of a student after administration of an inhaler.

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

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

23 E. The school district may maintain at each school a minimum of
24 two Epinephrine injectors and two inhalers with spacers or holding

1 chambers in a secure location. Provided, however, that nothing in
2 this section shall be construed as creating or imposing a duty on a
3 school district to maintain Epinephrine injectors or inhalers with
4 spacers or holding chambers at a school site or sites.

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

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

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

13 I. As used in this section:

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

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

22 3. "Respiratory distress" means the perceived or actual
23 presence of coughing, wheezing or shortness of breath; and
24

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

6 J. The permission for self-administration of asthma or
7 anaphylaxis medication is effective for the school year for which it
8 is granted and shall be renewed each subsequent school year upon
9 fulfillment of the requirements of this section.

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

14 SECTION 2. This act shall become effective July 1, 2019.

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

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
20 February 11, 2019 - DO PASS