

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 147

By: Hicks

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5
6 AS INTRODUCED

7 An Act relating to the Diabetes Management in Schools
8 Act; amending 70 O.S. 2021, Section 1210.196.3, which
9 relates to diabetes medical management plans;
10 directing plans to indicate whether written consent
11 has been given for administration of glucagon in
12 certain circumstances; allowing a school district
13 board of education to stock glucagon to treat a
14 student with diabetes under certain circumstances;
15 requiring the board to adopt certain policy;
16 providing contents of policy; establishing length of
17 effectiveness for certain written consent and waiver
18 of liability; allowing certain licensed physician to
19 write a prescription for glucagon to a school
20 district; providing certain construction; requiring
21 certain notification upon certain event; providing
22 for codification; providing an effective date; and
23 declaring an emergency.

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

25 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.196.3,
26 is amended to read as follows:

27 Section 1210.196.3. A. A diabetes medical management plan
28 shall be developed for each student with diabetes who will seek care
29 for diabetes while at school or while participating in a school
30 activity. The plan shall be developed by the personal health care

1 team of each student. The personal health care team shall consist
2 of the principal or designee of the principal, the school nurse, if
3 a school nurse is assigned to the school, the parent or legal
4 guardian of the student, and to the extent practicable, the
5 physician responsible for the diabetes treatment of the student.

6 B. The diabetes medical management plan shall indicate whether
7 the parent or legal guardian of the student with diabetes has given
8 written consent for a school nurse, a school employee trained by a
9 health care professional, or a volunteer diabetes care assistant, as
10 defined by Section 1210.196.2 of this title, to administer glucagon
11 to a student experiencing a hypoglycemic emergency or if the
12 student's prescribed glucagon is not available on site or has
13 expired.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1210.196.9 of Title 70, unless
16 there is created a duplication in numbering, reads as follows:

17 A. A school district board of education may elect to stock
18 glucagon to treat a student with diabetes who experiences a
19 hypoglycemic emergency or if the student's prescribed glucagon is
20 not available on site or has expired. A board of education that
21 elects to stock glucagon shall adopt a policy that requires:

22 1. The school district to inform, in writing, the parent or
23 legal guardian of each student who has a diabetes medical management
24 plan pursuant to Section 1210.196.3 of Title 70 of the Oklahoma

1 Statutes that a school nurse, a school employee trained by a health
2 care professional, or a volunteer diabetes care assistant, as
3 defined by Section 1210.196.2 of Title 70 of the Oklahoma Statutes,
4 may administer, with parent or legal guardian written consent but
5 without a health care provider order, glucagon to a student with
6 diabetes whom the school nurse, trained employee, or volunteer
7 diabetes care assistant in good faith believes is having a
8 hypoglycemic emergency or if the student's prescribed glucagon is
9 not available on site or has expired;

10 2. A waiver of liability executed by a parent or legal guardian
11 be on file with the school district prior to administration of
12 glucagon; and

13 3. The school district to designate the employee responsible
14 for obtaining the glucagon at each school site.

15 B. Written consent and a waiver of liability executed pursuant
16 to subsection A of this section shall be effective for the school
17 year for which it is granted and shall be renewed each subsequent
18 school year.

19 C. A licensed physician who has prescriptive authority may
20 write a prescription for glucagon to a school district in the name
21 of the district as a body corporate specified in Section 5-105 of
22 Title 70 of the Oklahoma Statutes, which shall be maintained at each
23 school site in accordance with the manufacturer's instructions.

24 Provided, however, that nothing in this section shall be construed

1 as creating or imposing a duty on a school district to maintain
2 glucagon at a school site or sites.

3 D. In the event a student is believed to be having a
4 hypoglycemic emergency, a school employee shall contact 911 and
5 shall contact the student's parent or legal guardian as soon as
6 possible.

7 SECTION 3. This act shall become effective July 1, 2023.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health, or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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