An Act

ENROLLED HOUSE
BILL NO. 2101

By: Fourkiller, Hoskin and Sherrer of the House

and

Jolley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1-116.3, which relates to the self-administration of inhaled asthma or anaphylaxis medication; requiring all school districts that elect to stock Epinephrine injectors to amend certain policy; requiring certain provisions in policy; excluding certain liability of school district; permitting certain physician to write certain prescription; allowing school districts to maintain a minimum number of Epinephrine injectors at each school; providing for certain interpretation; requiring school employee to contact 911 under certain circumstance; requiring State Board of Education to develop certain policy and to promulgate certain rules; and providing an effective date.

SUBJECT: Epinephrine injectors

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

SECTION 1. AMENDATORY 70 O.S. 2011, 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 shall amend the policy identified in subsection A of this section. The amended policy shall require:

1. 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 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; and

3. The school district to designate the employee responsible for obtaining the Epinephrine injectors at each school site.

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 1 of subsection B of this section.

D. A licensed physician who has prescriptive authority may write a prescription for Epinephrine injectors 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.

E. The school district may maintain at each school a minimum of two Epinephrine injectors 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 at a school site or sites.

F. In the event a student is believed to be having an anaphylactic reaction, 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 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.

~~C.~~ 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.

~~D.~~ 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 November 1, 2013.

Passed the House of Representatives the 21st day of May, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of May, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 9:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 31st

day of May, 20 13, at 10:48 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 31st

day of May, 20 13, at 1:12 o'clock P. M.

By: Chris Morris