

ENROLLED HOUSE

BILL NO. 2239 By: Schwartz, McDaniel (Jeannie), Enns, Dank,
McCullough, Kiesel, Renegar, Gilbert and Pittman of
the House

and

Crain of the Senate

An Act relating to schools; amending Section 1, Chapter 143, O.S.L. 2003 (70 O.S. Supp. 2007, Section 1-116.3), which relates to self-administration of inhaled asthma medication; expanding permission for self-administration to anaphylaxis medication; changing date for adoption of school district policy; modifying definitions; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 143, O.S.L. 2003 (70 O.S. Supp. 2007, Section 1-116.3), is amended to read as follows:

Section 1-116.3 A. Notwithstanding the provisions of Section 1-116.2 of Title 70 of the Oklahoma Statutes this title, the board of education of each school district shall adopt a policy on or before September 1, 2003 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 Title 70 of the Oklahoma Statutes 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. 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. 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. 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. It being immediately necessary for the preservation of the public peace, health and 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 House of Representatives the 19th day of May, 2008.

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of May, 2008.

Presiding Officer of the Senate

Approved by the Governor of the State of Oklahoma on the 27th day of May, 2008, at 4:59 o'clock

p.m.

Governor of the State of Oklahoma