

Assembly Bill No. 285—Assemblymen Woodbury,
Oscarson; and Titus

CHAPTER.....

AN ACT relating to pupils; allowing pupils to self-administer prescribed medications for diabetes under certain circumstances; requiring a public school to establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; providing immunity from liability to certain school administrators and employees for certain harm as a result of the self-administration of medication by a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent or legal guardian of a pupil who has asthma or anaphylaxis to request authorization from the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public school, at an activity sponsored by the public school or on a school bus. Existing law provides that if the request contains certain specified information, the principal or, if applicable, the school nurse is required to approve the request. (NRS 392.425) This bill similarly allows the parent or legal guardian of a pupil who has diabetes to request an authorization to self-administer medication for the treatment of diabetes and requires the principal or, if applicable, school nurse to approve the request if the request contains certain information. This bill also requires a public school to: (1) establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; and (2) provide a copy of these protocols to the parent or legal guardian of a pupil who requests permission to allow the pupil to self-administer medication.

Existing law provides that the board of trustees of a school district, a school district and a public school and any employee or agent thereof are immune from liability for the injury to or death of a pupil as a result of the self-administration of medication. (NRS 392.425) This bill extends that immunity from liability to those persons for any injury or death caused by exposure to certain medical devices or medical waste from the self-administration of medication by a pupil.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.425 is hereby amended to read as follows:
392.425 1. The parent or legal guardian of a pupil who has asthma, ~~or~~ anaphylaxis *or diabetes* may submit a written request to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to



self-administer medication for the treatment of the pupil's asthma , ~~for~~ anaphylaxis *or diabetes* while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. *A public school shall establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission for the pupil to self-administer medication pursuant to subsection 1.*

3. A written request made pursuant to subsection 1 must include:

(a) A signed statement of a physician indicating that the pupil has asthma , ~~for~~ anaphylaxis *or diabetes* and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician pursuant to which the pupil will manage his or her asthma , ~~for~~ anaphylaxis *or diabetes* if the pupil experiences an asthmatic attack , ~~for~~ anaphylactic shock *or diabetic episode* while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; ~~and~~

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections ~~3~~ 4 and ~~4~~ 5;

~~3~~ (3) *Acknowledging the receipt of the protocols provided pursuant to subsection 2;*

(4) *Acknowledging that the protocols established pursuant to subsection 2 have been explained to the pupil who will self-administer the medication and that he or she has agreed to comply with the protocols; and*

(5) *Acknowledging that authorization to self-administer medication pursuant to this section may be revoked if the pupil fails to comply with the protocols established pursuant to subsection 2.*

4. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent



thereof, that is in addition to those duties otherwise required in the course of service or employment.

~~4.1~~ 5. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of ~~the~~ :

(a) *The* pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication ~~+~~
~~5.1~~; and

(b) *Any other person as a result of exposure to or injury caused by needles, medical devices or other medical waste from the self-administration of medication by a pupil pursuant to this section.*

6. Upon receipt of a request that complies with subsection ~~2.1~~ 3, the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma , ~~or~~ anaphylaxis *or diabetes* while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication; ~~and~~

(e) The name and telephone number of the pupil's physician and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil ~~+~~
~~6.1~~; and

(f) *The procedures for the handling and disposal of needles, medical devices and other medical waste.*

7. The written authorization provided pursuant to subsection ~~5.1~~ 6 is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection ~~2.1~~ 3, the principal or, if applicable, the school nurse of the public school in which the



pupil is enrolled shall renew and, if necessary, revise the written authorization.

~~77~~ 8. If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack , ~~or~~ anaphylactic shock *or diabetic episode* during school hours.

~~18~~ 9. As used in this section:

(a) "Medication" means any medicine prescribed by a physician for the treatment of anaphylaxis , ~~or~~ asthma ~~or~~ *or diabetes*, including, without limitation, asthma inhalers , ~~and~~ auto-injectable epinephrine ~~or~~ *and insulin*.

(b) "Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.

(c) "Self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 2. This act becomes effective on July 1, 2015.

