

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 381

By: Floyd

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5  
6 AS INTRODUCED

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

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

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

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

The policy shall require:

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

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

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

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

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

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

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

24 ~~1. The~~

1           a.   the school district to inform the parent or guardian  
2                                   of each student, in writing, that a school nurse or  
3                                   school employee trained by a health care professional  
4                                   or trained in correlation with the State Department of  
5                                   Health's Diabetes Management Annual School Training  
6                                   Program may administer, with parent or guardian  
7                                   permission but without a health care provider order,  
8                                   an Epinephrine injection to a student whom the school  
9                                   nurse or trained school employee in good faith  
10                                  believes is having an anaphylactic reaction~~7~~1

11       ~~2.~~ A

12           b.   a waiver of liability executed by a parent or guardian  
13                                  be on file with the school district prior to the  
14                                  administration of an Epinephrine injection pursuant to  
15                                  paragraph 1 of this subsection~~7~~1 and

16       ~~3.~~ The

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

20       2. The amended policy for inhalers shall require:

21           a.   the school district to inform the parent or guardian  
22                                  of each student, in writing, that a school nurse or  
23                                  school employee trained by a health care professional  
24                                  may administer an inhaler to a student whom the school

1           nurse or trained school employee in good faith

2           believes is having respiratory distress,

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

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

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

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

21          E.   The school district may maintain at each school a minimum of  
22          two Epinephrine injectors and two inhalers with spacers or holding  
23          chambers in a secure location. Provided, however, that nothing in  
24          this section shall be construed as creating or imposing a duty on a

1 school district to maintain Epinephrine injectors or inhalers with  
2 spacers or holding chambers at a school site or sites.

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

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

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

11 I. As used in this section:

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

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

20 3. "Respiratory distress" means the perceived or actual  
21 presence of coughing, wheezing or shortness of breath; and

22 4. "Inhaler" means a device that delivers a bronchodilator to  
23 alleviate symptoms of respiratory distress that is manufactured in  
24 the form of a metered-dose inhaler or dry-powder inhaler and that

1 may include a spacer or holding chamber that attaches to the inhaler  
2 to improve the delivery of the bronchodilator.

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

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

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

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

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