

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1694 of the Regular Session

State of Arkansas

As Engrossed: H3/23/05

85th General Assembly

A Bill

Regular Session, 2005

HOUSE BILL 2976

By: Representative Fite

For An Act To Be Entitled

AN ACT TO REQUIRE SCHOOL DISTRICTS TO ALLOW STUDENTS TO CARRY AND USE PRESCRIPTION ASTHMA INHALERS AND AUTO-INJECTABLE EPINEPHRINE WHILE IN SCHOOL, AT ON-SITE SCHOOL-SPONSORED ACTIVITIES, AND AT OFF-SITE SCHOOL-SPONSORED ACTIVITIES; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE SCHOOL DISTRICTS TO ALLOW STUDENTS TO CARRY AND USE PRESCRIPTION ASTHMA INHALERS AND AUTO-INJECTABLE EPINEPHRINE WHILE IN SCHOOL, AT ON-SITE SCHOOL-SPONSORED ACTIVITIES, AND AT OFF-SITE SCHOOL-SPONSORED ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

6-18-707. Prescription asthma inhaler or auto-injectable epinephrine.

(a) This section shall be known and may be cited as "Alex's Law".

(b) As used in this section:

(1)(A) "Medication" means a drug as that term is defined in § 21 U.S.C. 321(g) of the federal Food, Drug and Cosmetic Act as in existence on January 1, 2005.

(B) "Medication" includes inhaled bronchodilators and auto-injectable epinephrine; and

(2) "Self-administration" means a person's discretionary use of



1 a medication pursuant to a prescription or written direction from a licensed
2 health care practitioner.

3 (c)(1) The Department of Education shall develop guidelines for use in
4 school districts that allows a student to carry and use an asthma inhaler or
5 auto-injectable epinephrine, or both, while in school, at an on-site school-
6 sponsored activity, or at an off-site school-sponsored activity.

7 (2)(A) The procedure shall include, at a minimum, the following
8 provisions:

9 (B)(i) The parent or guardian of a student who needs to
10 carry an asthma inhaler or auto-injectable epinephrine, or both, shall
11 provide the school with written authorization for the student to carry an
12 asthma inhaler or auto-injectable epinephrine, or both, on his or her person
13 for use while in school, at an on-site school-sponsored activity, or at an
14 off-site school-sponsored activity.

15 (ii) The authorization shall be valid only for the
16 duration of school year at the school that the student is attending at the
17 time the authorization is provided. The authorization must renewed for each
18 school year or if the student changes schools in order for the student to
19 carry an asthma inhaler or auto-injectable epinephrine, or both, on his or
20 her person.

21 (C) The parent or guardian of a student who needs to carry
22 an asthma inhaler or auto-injectable epinephrine, or both, shall provide the
23 school with appropriate medical documentation, which shall include:

24 (i) Evidence that the asthma inhaler or auto-
25 injectable epinephrine, or both, have been prescribed by a health care
26 practitioner with prescriptive privileges;

27 (ii) Evidence that the student needs to carry the
28 asthma inhaler or auto-injectable epinephrine, or both, on his or her person
29 due to a medical condition; and

30 (iii) A copy of an individualized health care plan
31 for the student prepared in accordance with § 6-18-1005 and any related rules
32 of the department.

33 (D) All medical documentation provided with regard to a
34 student who carries an asthma inhaler or auto-injectable epinephrine, or
35 both, shall be kept on file at the school the student attends in a location
36 that is readily accessible in the event of an asthma or anaphylaxis

1 emergency.

2 (E) A student's asthma inhaler or auto-injectable
3 epinephrine, or both, shall be supplied by the student's parent or guardian
4 and shall be stored and transported in its original prescription-labeled
5 container.

6 (F) The student shall demonstrate to the health care
7 practitioner who wrote the prescription and the school nurse, if the school
8 nurse is available, the skill level and responsibility necessary to use and
9 administer the asthma inhaler or auto-injectable epinephrine, or both.

10 (G)(i) A student with asthma is not required by this
11 section or any related rule or school procedure to carry the student's asthma
12 inhaler or auto-injectable epinephrine, or both, on his or her person.

13 (ii) If a student with asthma does not carry the
14 student's asthma inhaler or auto-injectable epinephrine, or both, on his or
15 her person, then the student's parent or guardian shall provide the school
16 with appropriate medication in the event of an asthma or anaphylaxis
17 emergency, which shall be immediately available to the student in an
18 emergency.

19 (H) A student who carries the student's asthma inhaler or
20 auto-injectable epinephrine, or both, on his or her person may provide the
21 school with appropriate medication in the event of an asthma or anaphylaxis
22 emergency, which shall be immediately available to the student in an
23 emergency.

24 (I) A student is prohibited from sharing, transferring, or
25 in any way diverting his or her own medications to any other person.

26 (d) No school district, school district employee, or agent of a school
27 district shall be liable for injury to a student caused by his or her use of
28 a prescription inhaler or self-administration of medication.

29
30 /s/ Fite

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33 APPROVED: 4/05/2005

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