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

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ASTHMA INHALERS AND AUTO-INJECTABLE
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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
a medication pursuant to a prescription or written direction from a licensed
health care practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/ Fite

APPROVED: 4/05/2005