

# Hall of the House of Representatives

85th General Assembly - Regular Session, 2005

## Amendment Form

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### Subtitle of House Bill No. 2976

"AN ACT CONCERNING THE USE OF PRESCRIPTION INHALERS BY STUDENTS AT SCHOOL AND THE SELF-ADMINISTRATION OF A ONE-DAY SUPPLY OF MEDICATION BY STUDENTS AT OFF-SITE SCHOOL ACTIVITIES."

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### Amendment No. 1 to House Bill No. 2976.

Amend House Bill No. 2976 as originally introduced:

Delete the title in its entirety and substitute the following:  
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.

AND

Delete the subtitle in its entirety and substitute the following:  
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

Delete everything after the enacting clause and substitute the following:  
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 be 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.

The Amendment was read \_\_\_\_\_

By: Representative Fite

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Chief Clerk