

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4  
5 By: Representative Fite  
6  
7

# A Bill

HOUSE BILL 2976

## For An Act To Be Entitled

9 AN ACT TO REQUIRE SCHOOL DISTRICTS TO ALLOW  
10 STUDENTS TO CARRY AND USE PRESCRIPTION INHALERS  
11 WHILE IN SCHOOL OR AT SCHOOL-SPONSORED  
12 ACTIVITIES; TO REQUIRE SCHOOL DISTRICTS TO ALLOW  
13 STUDENTS TO SELF-CARRY AND SELF-ADMINISTER A ONE-  
14 DAY SUPPLY OF MEDICATION DURING AN OFF-SITE  
15 SCHOOL-SPONSORED ACTIVITY; AND FOR OTHER  
16 PURPOSES.

## Subtitle

17  
18 AN ACT CONCERNING THE USE OF  
19 PRESCRIPTION INHALERS BY STUDENTS AT  
20 SCHOOL AND THE SELF-ADMINISTRATION OF A  
21 ONE-DAY SUPPLY OF MEDICATION BY STUDENTS  
22 AT OFF-SITE SCHOOL ACTIVITIES.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7 is amended  
29 to add new sections to read as follows:

30 6-18-707. Prescription inhalers.

31 (a)(1) Each school district shall develop a procedure to allow  
32 students to carry and use inhalers while in school or at a school-sponsored  
33 activity if the inhaler is prescribed by a licensed individual with  
34 prescriptive privileges.

35 (2) Students who need to carry inhalers shall provide the school  
36 with medical documentation that the inhaler has been legitimately prescribed



1 and that the student needs to carry it on his or her person due to a medical  
 2 condition.

3 (3) No student shall be disciplined solely for failure to  
 4 provide medical documentation with regard to an inhaler in advance.

5 (b) No school district, school district employee, or agent of a school  
 6 district shall be liable for injury to a student caused by his or her use of  
 7 a prescription inhaler, except for injury caused by acts or omissions of the  
 8 school district's employees or agents that constitute gross negligence or  
 9 willful and wanton misconduct.

10  
 11 6-18-708. Medication.

12 (a) Each school district shall develop a procedure to allow students  
 13 to self-carry and self-administer a one-day supply of medication, including a  
 14 controlled substance, during an off-site school-sponsored activity.

15 (b)(1) A student's medication shall be supplied by the student's  
 16 parent or guardian with the written authorization of the student's parent or  
 17 guardian for use of the medication during off-site school-sponsored activity.

18 (2) The student's medication shall be stored and transported in  
 19 its original prescription-labeled container in the case of a prescription  
 20 medication or its manufacturer-labeled container in the case of  
 21 nonprescription medication.

22 (3) In the case of a prescription medication, the student's  
 23 parent or guardian shall provide a copy of the prescription written by a  
 24 licensed individual with prescriptive privilegeS, if the prescription is not  
 25 already on file in the school.

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

28 (d) No school district, school district employee, or agent of a school  
 29 district shall be liable for injury to a student caused by his or her self-  
 30 administration of medication, except for injury caused by acts or omissions  
 31 of the school district's employees or agents that constitute gross negligence  
 32 or willful and wanton misconduct.