

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

As Engrossed: H3/23/05

# A Bill

HOUSE BILL 2976

4  
5 By: Representative Fite  
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## For An Act To Be Entitled

8  
9 AN ACT TO REQUIRE SCHOOL DISTRICTS TO ALLOW  
10 STUDENTS TO CARRY AND USE PRESCRIPTION ASTHMA  
11 INHALERS AND AUTO-INJECTABLE EPINEPHRINE WHILE IN  
12 SCHOOL, AT ON-SITE SCHOOL-SPONSORED ACTIVITIES,  
13 AND AT OFF-SITE SCHOOL-SPONSORED ACTIVITIES; AND  
14 FOR OTHER PURPOSES.  
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## Subtitle

16  
17 TO REQUIRE SCHOOL DISTRICTS TO ALLOW  
18 STUDENTS TO CARRY AND USE PRESCRIPTION  
19 ASTHMA INHALERS AND AUTO-INJECTABLE  
20 EPINEPHRINE WHILE IN SCHOOL, AT ON-SITE  
21 SCHOOL-SPONSORED ACTIVITIES, AND AT OFF-  
22 SITE SCHOOL-SPONSORED ACTIVITIES.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26  
27 6-18-707. Prescription asthma inhaler or auto-injectable epinephrine.

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

29 (b) As used in this section:

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

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

35 (2) "Self-administration" means a person's discretionary use of  
36 a medication pursuant to a prescription or written direction from a licensed



1 health care practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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29                   /s/ Fite  
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