

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 48

By: Standridge of the Senate

and

Rosecrants of the House

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10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 1-116.3, as amended by Section 1, Chapter
12 397, O.S.L. 2013 (70 O.S. Supp. 2018, Section 1-
13 116.3), which relates to students self-administering
14 certain medications; allowing the self-administration
15 of replacement pancreatic enzymes for the treatment
16 of cystic fibrosis; modifying certain definition;
17 requiring renewal of certain permission; providing an
18 effective date; and declaring an emergency.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.3, as
21 amended by Section 1, Chapter 397, O.S.L. 2013 (70 O.S. Supp. 2018,
22 Section 1-116.3), is amended to read as follows:

23 Section 1-116.3. A. Notwithstanding the provisions of Section
24 1-116.2 of this title, the board of education of each school
district shall adopt a policy on or before September 1, 2008, that
permits the self-administration of inhaled asthma medication by a

1 student for treatment of asthma ~~and~~, the self-administration of
2 anaphylaxis medication by a student for treatment of anaphylaxis and
3 the self-administration of replacement pancreatic enzymes by a
4 student for treatment of cystic fibrosis. The policy shall require:

5 1. The parent or guardian of the student to authorize in
6 writing the student's self-administration of medication;

7 2. The parent or guardian of the student to provide to the
8 school a written statement from the physician treating the student
9 that the student has asthma ~~or~~, anaphylaxis or cystic fibrosis and
10 is capable of, and has been instructed in the proper method of,
11 self-administration of medication;

12 3. The parent or guardian of the student to provide to the
13 school an emergency supply of the student's medication to be
14 administered pursuant to the provisions of Section 1-116.2 of this
15 title;

16 4. The school district to inform the parent or guardian of the
17 student, in writing, that the school district and its employees and
18 agents shall incur no liability as a result of any injury arising
19 from the self-administration of medication by the student; and

20 5. The parent or guardian of the student to sign a statement
21 acknowledging that the school district shall incur no liability as a
22 result of any injury arising from the self-administration of
23 medication by the student.

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1 B. The school board of each school district that elects to
2 stock Epinephrine injectors shall amend the policy identified in
3 subsection A of this section. The amended policy shall require:

4 1. The school district to inform the parent or guardian of each
5 student, in writing, that a school nurse or school employee trained
6 by a health care professional or trained in correlation with the
7 State Department of Health's Diabetes Management Annual School
8 Training Program may administer, with parent or guardian permission
9 but without a health care provider order, an Epinephrine injection
10 to a student whom the school nurse or trained school employee in
11 good faith believes is having an anaphylactic reaction;

12 2. A waiver of liability executed by a parent or guardian be on
13 file with the school district prior to the administration of an
14 Epinephrine injection pursuant to paragraph 1 of this subsection;
15 and

16 3. The school district to designate the employee responsible
17 for obtaining the Epinephrine injectors at each school site.

18 C. The school district and its employees and agents shall incur
19 no liability as a result of any injury arising pursuant to the
20 discharge or nondischarge of the powers provided for pursuant to
21 paragraph 1 of subsection B of this section.

22 D. A licensed physician who has prescriptive authority may
23 write a prescription for Epinephrine injectors to the school
24 district in the name of the district as a body corporate specified

1 in Section 5-105 of this title which shall be maintained at each
2 school site. Such physician shall incur no liability as a result of
3 any injury arising from the use of the Epinephrine injectors.

4 E. The school district may maintain at each school a minimum of
5 two Epinephrine injectors in a secure location. Provided, however,
6 that nothing in this section shall be construed as creating or
7 imposing a duty on a school district to maintain Epinephrine
8 injectors at a school site or sites.

9 F. In the event a student is believed to be having an
10 anaphylactic reaction, a school employee shall contact 911 as soon
11 as possible.

12 G. The State Board of Education, in consultation with the State
13 Board of Health, shall develop a model policy which school districts
14 may use in compliance with this section.

15 H. The State Board of Education, in consultation with the State
16 Board of Health, shall promulgate rules to implement this section.

17 I. As used in this section:

18 1. "Medication" means a metered dose inhaler or a dry powder
19 inhaler to alleviate asthmatic symptoms, prescribed by a physician
20 and having an individual label, ~~or~~ an anaphylaxis medication used to
21 treat anaphylaxis, including but not limited to Epinephrine
22 injectors, prescribed by a physician and having an individual label,
23 or replacement pancreatic enzymes prescribed by a physician and
24 having an individual label; and

1 2. "Self-administration" means a student's use of medication
2 pursuant to prescription or written direction from a physician.

3 J. The permission for self-administration of asthma ~~or,~~
4 anaphylaxis or replacement pancreatic enzyme medication is effective
5 for the school year for which it is granted and shall be renewed
6 each subsequent school year upon fulfillment of the requirements of
7 this section.

8 K. A student who is permitted to self-administer asthma ~~or,~~
9 anaphylaxis or replacement pancreatic enzyme medication pursuant to
10 this section shall be permitted to possess and use a prescribed
11 inhaler ~~or,~~ anaphylaxis medication, including but not limited to an
12 Epinephrine injector, or replacement pancreatic enzyme medication at
13 all times.

14 SECTION 2. This act shall become effective July 1, 2019.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/09/2019
21 - DO PASS.

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