

1 **SENATE FLOOR VERSION**

2 February 26, 2019

3 SENATE BILL NO. 48

By: Standridge

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7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 1-116.3, as amended by Section 1, Chapter  
9 397, O.S.L. 2013 (70 O.S. Supp. 2018, Section 1-  
10 116.3), which relates to students self-administering  
11 certain medications; allowing the self-administration  
of replacement pancreatic enzymes for the treatment  
of cystic fibrosis; modifying certain definition;  
requiring renewal of certain permission; providing an  
effective date; and declaring an emergency.

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

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

18 Section 1-116.3. A. Notwithstanding the provisions of Section  
19 1-116.2 of this title, the board of education of each school  
20 district shall adopt a policy on or before September 1, 2008, that  
21 permits the self-administration of inhaled asthma medication by a  
22 student for treatment of asthma ~~and~~, the self-administration of  
23 anaphylaxis medication by a student for treatment of anaphylaxis and

1 the self-administration of replacement pancreatic enzymes by a  
2 student for treatment of cystic fibrosis. The policy shall require:

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

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

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

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

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

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

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

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

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

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

19           D. A licensed physician who has prescriptive authority may  
20 write a prescription for Epinephrine injectors to the school  
21 district in the name of the district as a body corporate specified  
22 in Section 5-105 of this title which shall be maintained at each  
23 school site. Such physician shall incur no liability as a result of  
24 any injury arising from the use of the Epinephrine injectors.

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

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

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

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

14 I. As used in this section:

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
18 February 26, 2019 - DO PASS  
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