

SECOND REGULAR SESSION

HOUSE BILL NO. 1732

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRASER (Sponsor), JETTON, SATER, RICHARD, SUTHERLAND, DONNELLY, WRIGHT (159), SMITH (14), CHAPPELLE NADAL, COOPER (155), TILLEY, BIVINS, COOPER (120), MAY, WILSON (119), ST. ONGE, STORCH, BEARDEN, WILDBERGER, MUNZLINGER, RUESTMAN, FISHER, BAKER (25), HENKE, WITTE, OXFORD, GEORGE, VILLA, DAUS, BOYKINS, WALLACE, PARSON, JONES, JOHNSON (47), POLLOCK, THRELKELD, SCHNEIDER, WETER, ROORDA, WRIGHT (137), HOBBS, JOHNSON (61), WRIGHT-JONES, WALSH, CURLS, BOGETTO, SCHOEMEHL, DARROUGH, RUCKER, MEINERS, YAEGER, JOLLY, LOW (39), BOWMAN, SKAGGS, DEMPSEY, DAY, SALVA AND WALTON (Co-sponsors).

Read 1st time February 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5023L.03I

AN ACT

To repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to the possession and self-administration of medications by pupils.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 167.627, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.627, to read as follows:

167.627. 1. [Any board of education of any school district may permit the self-administration of medication administered by way of a metered-dose inhaler by a pupil for asthma or other potentially life-threatening respiratory illnesses provided that:

(1) The parents or guardians of the pupil provide to the board of education written authorization for the self-administration of medication and a written medical history of the pupil's experience with the potentially life-threatening respiratory illness and a plan of action for addressing any emergency situations that could reasonably be anticipated as a consequence of administering the medication and having the potentially life-threatening respiratory illness;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (2) The parents or guardians of the pupil provide to the board of education written
10 certification from the physician of the pupil that the pupil has asthma or another potentially
11 life-threatening respiratory illness and is capable of, and has been instructed in, the proper
12 method of self-administration of medication and informed of the dangers of permitting other
13 persons to use medicine prescribed for the pupil;

14 (3) The board informs the parents or guardians of the pupil in writing that the district and
15 its employees or agents shall incur no liability as a result of any injury arising from the
16 self-administration of medication by the pupil, absent any negligence by the district, its
17 employees or its agents, or as a result of providing all relevant information provided pursuant
18 to subdivisions (1) and (2) of this subsection with the school nurse, absent any negligence by the
19 district, its employees or its agents, or in the absence of such nurse, to the school administrator;

20 (4) The parents or guardians of the pupil sign a statement acknowledging that the district
21 shall incur no liability as a result of any injury arising from the self-administration of medication
22 by the pupil and that the parents or guardians shall indemnify and hold harmless the district and
23 its employees or agents against any claims arising out of the self-administration of medication
24 by the pupil; and

25 (5) The permission is effective for the school year for which it is granted and is renewed
26 for each subsequent school year upon fulfillment of the requirements of subdivisions (1) through
27 (4) of this subsection.

28 2. Nothing in this section shall be construed to prevent a school district from requiring
29 pupils to maintain current duplicate prescription medications with the school nurse or in the
30 absence of such nurse, the school administrator.

31 3. The state board of education shall promulgate such rules and regulations as it deems
32 necessary to effectuate the purposes of this section.

33 4. No rule or portion of a rule promulgated pursuant to the authority of this section shall
34 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
35 RSMo.] **For purposes of this section, the following terms shall mean:**

36 **(1) "Medication", any medicine prescribed or ordered by a physician for the**
37 **treatment of asthma or anaphylaxis, including without limitation inhaled bronchodilators**
38 **and auto-injectible epinephrine;**

39 **(2) "Self-administration", a pupil's discretionary use of medication prescribed by**
40 **a physician or under a written treatment plan from a physician.**

41 **2. Each board of education, and its employees and agents in this state shall grant**
42 **any pupil in the school authorization for the possession and self-administration of**
43 **medication to treat such pupil's asthma or anaphylaxis if:**

44 (1) A licensed physician prescribed or ordered such medication for use by the pupil
45 and instructed such pupil in the correct and responsible use of such medication;

46 (2) The pupil has demonstrated to the pupil's licensed physician or the licensed
47 physician's designee, and the school nurse, if available, the skill level necessary to use the
48 medication and any device necessary to administer such medication prescribed or ordered;

49 (3) The pupil's physician has approved and signed a written treatment plan for
50 managing asthma or anaphylaxis episodes of the pupil and for medication for use by the
51 pupil. Such plan shall include a statement that the pupil is capable of self-administering
52 the medication under the treatment plan;

53 (4) The pupil's parent or guardian has completed and submitted to the school any
54 written documentation required by the school, including the treatment plan required
55 under subdivision (3) of this subsection and the liability statement required under
56 subdivision (5) of this subsection; and

57 (5) The pupil's parent or guardian has signed a statement acknowledging that the
58 school district and its employees or agents shall incur no liability as a result of any injury
59 arising from the self-administration of medication by the pupil or the administration of
60 such medication by school staff. Such statement shall not be construed to release the school
61 district and its employees or agents from liability for negligence.

62 3. An authorization granted under subsection 2 of this section shall:

63 (1) Permit such pupil to possess and self-administer such pupil's medication while
64 in school, at a school-sponsored activity, and in transit to or from school or school-
65 sponsored activity; and

66 (2) Be effective only for the same school and school year for which it is granted.
67 Such authorization shall be renewed by the pupil's parent or guardian each subsequent
68 school year in accordance with this section.

69 4. Any current duplicate prescription medication, if provided by a pupil's parent
70 or guardian or by the school, shall be kept at a pupil's school in a location at which the
71 pupil or school staff has immediate access in the event of an asthma or anaphylaxis
72 emergency.

73 5. The information described in subdivisions (3) and (4) of subsection 2 of this
74 section shall be kept on file at the pupil's school in a location easily accessible in the event
75 of an asthma or anaphylaxis emergency.

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