

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1732

## 93RD GENERAL ASSEMBLY

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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.

Read 2nd time February 13, 2006 and referred to the Committee on Health Care Policy February 23, 2006.

Reported from the Committee on Health Care Policy March 2, 2006 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 7, 2006 with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 14, 2006.

STEPHEN S. DAVIS, Chief Clerk

5023L.03P

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## 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.

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Section A. Section 167.627, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.627, to read as follows: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

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.

(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;

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

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

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

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

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

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

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

(1) **"Medication", any medicine prescribed or ordered by a physician for the treatment of asthma or anaphylaxis, including without limitation inhaled bronchodilators 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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