

Regular Session, 2009

HOUSE BILL NO. 602

BY REPRESENTATIVE LEBAS AND SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Permits certain public school students to carry and self-administer certain medications under certain circumstances

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AN ACT

To enact R.S. 17:436.1(J), relative to the administration of medication to public school students; to require public school governing authorities to permit students with certain conditions to self-administer certain medications; to provide relative to authorization and documentation; to provide a limitation of liability and indemnification of schools and school employees; to provide for definitions; to provide for duration of permission granted to self-administer medications; to provide relative to disciplinary actions for misuse of permitted medications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(J) is hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions

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J.(1) Notwithstanding any provision of law or any rule, regulation, or policy to the contrary, the governing authority of each public elementary and secondary school shall permit the self-administration of medications by a student with asthma or the use of auto-injectable epinephrine by a student at risk of anaphylaxis, provided that the student's parent or other legal guardian provides the school in which the student is enrolled with the following documentation:

1 (a) Written authorization for the student to carry and self-administer such
2 prescribed medications.

3 (b) Written certification from a licensed medical physician or other
4 authorized prescriber that the student:

5 (i) Has asthma or is at risk of having anaphylaxis.

6 (ii) Has received instruction in the proper method of self-administration of
7 the student's prescribed medications to treat asthma or anaphylaxis.

8 (c) A written treatment plan from the student's licensed medical physician
9 or other authorized prescriber for managing asthma or anaphylactic episodes. The
10 treatment plan must be signed by the student, the student's parent or other legal
11 guardian, and the student's licensed medical physician or other authorized prescriber
12 and shall also contain the following information:

13 (i) The name, purpose, and prescribed dosage of the medications to be self-
14 administered.

15 (ii) The time or times the medications are to be regularly administered and
16 under what additional special circumstances the medications are to be administered.

17 (iii) The length of time for which the medications are prescribed.

18 (d) Any other documentation required by the governing authority of the
19 public elementary or secondary school.

20 (2) The documentation required by Paragraph (1) of this Subsection shall be
21 kept on file in the office of the school nurse or other designated school official.

22 (3) The governing authority of the public elementary and secondary school
23 shall inform the parent or other legal guardian of the student in writing that the
24 school and its employees shall incur no liability as a result of any injury sustained
25 by the student from the self-administration of medications used to treat asthma or
26 anaphylaxis. The parent or other legal guardian of the student shall sign a statement
27 acknowledging that the school shall incur no liability and that the parent or other
28 legal guardian shall indemnify and hold harmless the school and its employees

1 against any claims that may arise relating to the self-administration of medications
2 used to treat asthma or anaphylaxis.

3 (4) For the purposes of this Subsection:

4 (a) "Auto-injectable epinephrine" means a medical device for the immediate
5 self-administration of epinephrine by a person at risk for anaphylaxis.

6 (b) "Inhaler" means a medical device that delivers a metered dose of
7 medication to alleviate the symptoms of asthma.

8 (5) A student who has been granted permission to self-administer medication
9 pursuant to this Subsection shall be allowed to carry and store with the school nurse
10 or other designated school official an inhaler or auto-injectable epinephrine, or both,
11 at all times.

12 (6) Permission for the self-administration of asthma medications or use of
13 auto-injectable epinephrine by a student shall be effective only for the school year
14 in which permission is granted. Permission for self-administration of asthma
15 medications or the use of auto-injectable epinephrine by a student shall be granted
16 each subsequent school year, provided all of the requirements of this Subsection are
17 fulfilled.

18 (7) Upon obtaining permission to self-administer asthma medication or to
19 use auto-injectable epinephrine pursuant to this Subsection, a student shall be
20 permitted to possess and self-administer such prescribed medication at any time
21 while on school property or while attending a school sponsored activity.

22 (8) A student who uses any medication permitted pursuant to this Subsection
23 in a manner other than as prescribed shall be subject to disciplinary action; however,
24 such disciplinary action shall not limit or restrict such student's immediate access to
25 such prescribed medication.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

LeBas

HB No. 602

Abstract: Allows public school students to carry and self-administer certain medications under certain conditions.

Present law provides relative to the administration of medication to public school students. Proposed law retains present law and adds the requirement that the governing authority of each public elementary and secondary school permit the self-administration of medications by a student with asthma or the use of auto-injectable epinephrine by a student at risk of anaphylaxis if the parent or other legal guardian provides the school with certain documentation. Provides for a limitation of liability for the school and its employees relative to self-administration of medication, for definitions, for specifics relative to duration of permission to self-administer medication, and for disciplinary consequences for such medication's misuse.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:436.1(J))