

Regular Session, 2009  
HOUSE BILL NO. 602

# ACT No. 145

BY REPRESENTATIVE LEBAS AND SENATOR LAFLEUR

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

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

12 §436.1. Administration of medication; definition; conditions; restrictions

13 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

26                  (4) For the purposes of this Subsection:

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

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

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

5                   (6) Permission for the self-administration of asthma medications or use of  
 6                   auto-injectable epinephrine by a student shall be effective only for the school year  
 7                   in which permission is granted. Permission for self-administration of asthma  
 8                   medications or the use of auto-injectable epinephrine by a student shall be granted  
 9                   each subsequent school year, provided all of the requirements of this Subsection are  
 10                   fulfilled.

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

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

19                   Section 2. This Act shall become effective upon signature by the governor or, if not  
 20                   signed by the governor, upon expiration of the time for bills to become law without signature  
 21                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 22                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 23                   effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_