



Rep. Chris Nybo

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09700HB3294ham003

LRB097 10922 RPM 53846 a

1 AMENDMENT TO HOUSE BILL 3294

2 AMENDMENT NO. _____. Amend House Bill 3294, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 22-30 as follows:

7 (105 ILCS 5/22-30)

8 Sec. 22-30. Self-administration of medication and school
9 nurse administration.

10 (a) In this Section:

11 "Asthma inhaler" means a quick reliever asthma inhaler.

12 "Epinephrine auto-injector" means a medical device for
13 immediate self-administration by a person at risk of
14 anaphylaxis.

15 "Medication" means a medicine, prescribed by (i) a
16 physician licensed to practice medicine in all its branches,

1 (ii) a physician assistant who has been delegated the authority
2 to prescribe asthma medications by his or her supervising
3 physician, or (iii) an advanced practice registered nurse who
4 has a written collaborative agreement with a collaborating
5 physician that delegates the authority to prescribe asthma
6 medications, for a pupil that pertains to the pupil's asthma
7 and that has an individual prescription label.

8 "Self-administration" means a pupil's discretionary use of
9 and ability to carry his or her prescribed asthma medication.

10 (b) A school, whether public or nonpublic, must permit the
11 self-administration of medication by a pupil with asthma or the
12 use of an epinephrine auto-injector by a pupil, provided that:

13 (1) the parents or guardians of the pupil provide to
14 the school (i) written authorization from the parents or
15 guardians for the self-administration of medication or
16 (ii) for use of an epinephrine auto-injector, written
17 authorization from the pupil's physician, physician
18 assistant, or advanced practice registered nurse; and

19 (2) the parents or guardians of the pupil provide to
20 the school (i) the prescription label, which must contain
21 the name of the medication, the prescribed dosage, and the
22 time at which or circumstances under which the medication
23 is to be administered, or (ii) for use of an epinephrine
24 auto-injector, a written statement from the pupil's
25 physician, physician assistant, or advanced practice
26 registered nurse containing the following information:

1 (A) the name and purpose of the epinephrine
2 auto-injector;

3 (B) the prescribed dosage; and

4 (C) the time or times at which or the special
5 circumstances under which the epinephrine
6 auto-injector is to be administered.

7 The information provided shall be kept on file in the office of
8 the school nurse or, in the absence of a school nurse, the
9 school's administrator.

10 (b-5) A school district or nonpublic school may authorize
11 the provision of an epinephrine auto-injector to a student or
12 any personnel authorized under a student's Individual Health
13 Care Action Plan, Illinois Food Allergy Emergency Action Plan
14 and Treatment Authorization Form, or plan pursuant to Section
15 504 of the federal Rehabilitation Act of 1973 to administer an
16 epinephrine auto-injector to the student, that meets the
17 prescription on file.

18 (b-10) The school district or nonpublic school may
19 authorize a school nurse do the following: (i) provide an
20 epinephrine auto-injector to a student or any personnel
21 authorized under a student's Individual Health Care Action
22 Plan, Illinois Food Allergy Emergency Action Plan and Treatment
23 Authorization Form, or plan pursuant to Section 504 of the
24 federal Rehabilitation Act of 1973 to administer an epinephrine
25 auto-injector to the student, that meets the prescription on
26 file; (ii) administer an epinephrine auto-injector that meets

1 the prescription on file to any student who has an Individual
2 Health Care Action Plan, Illinois Food Allergy Emergency Action
3 Plan and Treatment Authorization Form, or plan pursuant to
4 Section 504 of the federal Rehabilitation Act of 1973 that
5 authorizes the use of an Epinephrine auto-injector; and (iii)
6 administer an epinephrine auto-injector to any student that the
7 school nurse in good faith professionally believes is having an
8 anaphylactic reaction.

9 (c) The school district or nonpublic school must inform the
10 parents or guardians of the pupil, in writing, that the school
11 district or nonpublic school and its employees and agents,
12 including a physician providing standing protocol or
13 prescription for school epinephrine auto-injectors, are to
14 incur no liability, except for willful and wanton conduct, as a
15 result of any injury arising from the self-administration of
16 medication or use of an epinephrine auto-injector ~~by the pupil~~
17 regardless of whether authorization was given by the pupil's
18 parents or guardians or by the pupil's physician, physician's
19 assistant, or advanced practice registered nurse. The parents
20 or guardians of the pupil must sign a statement acknowledging
21 that the school district or nonpublic school and its employees
22 and agents are ~~is~~ to incur no liability, except for willful and
23 wanton conduct, as a result of any injury arising from the
24 self-administration of medication or use of an epinephrine
25 auto-injector ~~by the pupil~~ regardless of whether authorization
26 was given by the pupil's parents or guardians or by the pupil's

1 physician, physician's assistant, or advanced practice
2 registered nurse and that the parents or guardians must
3 indemnify and hold harmless the school district or nonpublic
4 school and its employees and agents against any claims, except
5 a claim based on willful and wanton conduct, arising out of the
6 self-administration of medication or use of an epinephrine
7 auto-injector ~~by the pupil~~ regardless of whether authorization
8 was given by the pupil's parents or guardians or by the pupil's
9 physician, physician's assistant, or advanced practice
10 registered nurse. When a school nurse administers an
11 epinephrine auto-injector to a student whom the school nurse in
12 good faith professionally believes is having an anaphylactic
13 reaction, notwithstanding the lack of notice to the parents or
14 guardians of the pupil or the absence of the parents or
15 guardians signed statement acknowledging no liability, except
16 for willful and wanton conduct, the school district or
17 nonpublic school and its employees and agents, including a
18 physician providing standing protocol or prescription for
19 school epinephrine auto-injectors, are to incur no liability,
20 except for willful and wanton conduct, as a result of any
21 injury arising from the use of an epinephrine auto-injector
22 regardless of whether authorization was given by the pupil's
23 parents or guardians or by the pupil's physician, physician's
24 assistant, or advanced practice registered nurse.

25 (d) The permission for self-administration of medication
26 or use of an epinephrine auto-injector is effective for the

1 school year for which it is granted and shall be renewed each
2 subsequent school year upon fulfillment of the requirements of
3 this Section.

4 (e) Provided that the requirements of this Section are
5 fulfilled, a pupil with asthma may possess and use his or her
6 medication or a pupil may possess and use an epinephrine
7 auto-injector (i) while in school, (ii) while at a
8 school-sponsored activity, (iii) while under the supervision
9 of school personnel, or (iv) before or after normal school
10 activities, such as while in before-school or after-school care
11 on school-operated property.

12 (f) The school district or nonpublic school may maintain at
13 a school in a locked, secure location a supply of epinephrine
14 auto-injectors. A physician may prescribe epinephrine
15 auto-injectors in the name of the school district or nonpublic
16 school to be maintained for use when necessary. The school
17 district or nonpublic school supply of epinephrine
18 auto-injectors may be provided to and utilized by any student
19 authorized to self-administer that meets the prescription on
20 file or by any personnel authorized under a student's
21 Individual Health Care Action Plan, Illinois Food Allergy
22 Emergency Action Plan and Treatment Authorization Form, or plan
23 pursuant to Section 504 of the federal Rehabilitation Act of
24 1973 to administer an epinephrine auto-injector to the student,
25 that meets the prescription on file. When a student does not
26 have an epinephrine auto-injector or a prescription for an

1 epinephrine auto-injector on file, the school nurse may utilize
2 the school district or nonpublic school supply of epinephrine
3 auto-injectors to respond to anaphylactic reaction, under a
4 standing protocol from a physician licensed to practice
5 medicine in all its branches and the requirements of this
6 Section.

7 (Source: P.A. 96-1460, eff. 8-20-10.)

8 Section 10. The Illinois Food, Drug and Cosmetic Act is
9 amended by changing Section 3.21 as follows:

10 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

11 Sec. 3.21. Except as authorized by this Act, the Controlled
12 Substances Act, the Pharmacy Practice Act, the Dental Practice
13 Act, the Medical Practice Act of 1987, the Veterinary Medicine
14 and Surgery Practice Act of 2004, ~~or~~ the Podiatric Medical
15 Practice Act of 1987, or Section 22-30 of the School Code, to
16 sell or dispense a prescription drug without a prescription.

17 (Source: P.A. 95-689, eff. 10-29-07.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."