

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 (105 ILCS 5/22-30)

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

9 (a) In this Section:

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

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

14 "Medication" means a medicine, prescribed by (i) a  
15 physician licensed to practice medicine in all its branches,  
16 (ii) a physician assistant who has been delegated the authority  
17 to prescribe asthma medications by his or her supervising  
18 physician, or (iii) an advanced practice registered nurse who  
19 has a written collaborative agreement with a collaborating  
20 physician that delegates the authority to prescribe asthma  
21 medications, for a pupil that pertains to the pupil's asthma  
22 and that has an individual prescription label.

23 "Self-administration" means a pupil's discretionary use of

1 and ability to carry his or her prescribed asthma medication.

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

5 (1) the parents or guardians of the pupil provide to  
6 the school (i) written authorization from the parents or  
7 guardians for the self-administration of medication or  
8 (ii) for use of an epinephrine auto-injector, written  
9 authorization from the pupil's physician, physician  
10 assistant, or advanced practice registered nurse; and

11 (2) the parents or guardians of the pupil provide to  
12 the school (i) the prescription label, which must contain  
13 the name of the medication, the prescribed dosage, and the  
14 time at which or circumstances under which the medication  
15 is to be administered, or (ii) for use of an epinephrine  
16 auto-injector, a written statement from the pupil's  
17 physician, physician assistant, or advanced practice  
18 registered nurse containing the following information:

19 (A) the name and purpose of the epinephrine  
20 auto-injector;

21 (B) the prescribed dosage; and

22 (C) the time or times at which or the special  
23 circumstances under which the epinephrine  
24 auto-injector is to be administered.

25 The information provided shall be kept on file in the office of  
26 the school nurse or, in the absence of a school nurse, the

1 school's administrator.

2 (b-5) A school district or nonpublic school may authorize  
3 the provision of an epinephrine auto-injector to a student or  
4 any personnel authorized under a student's Individual Health  
5 Care Action Plan, Illinois Food Allergy Emergency Action Plan  
6 and Treatment Authorization Form, or plan pursuant to Section  
7 504 of the federal Rehabilitation Act of 1973 to administer an  
8 epinephrine auto-injector to the student, that meets the  
9 prescription on file.

10 (b-10) The school district or nonpublic school may  
11 authorize a school nurse do the following: (i) provide an  
12 epinephrine auto-injector to a student or any personnel  
13 authorized under a student's Individual Health Care Action  
14 Plan, Illinois Food Allergy Emergency Action Plan and Treatment  
15 Authorization Form, or plan pursuant to Section 504 of the  
16 federal Rehabilitation Act of 1973 to administer an epinephrine  
17 auto-injector to the student, that meets the prescription on  
18 file; (ii) administer an epinephrine auto-injector that meets  
19 the prescription on file to any student who has an Individual  
20 Health Care Action Plan, Illinois Food Allergy Emergency Action  
21 Plan and Treatment Authorization Form, or plan pursuant to  
22 Section 504 of the federal Rehabilitation Act of 1973 that  
23 authorizes the use of an Epinephrine auto-injector; and (iii)  
24 administer an epinephrine auto-injector to any student that the  
25 school nurse in good faith professionally believes is having an  
26 anaphylactic reaction.

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

17 (d) The permission for self-administration of medication  
18 or use of an epinephrine auto-injector is effective for the  
19 school year for which it is granted and shall be renewed each  
20 subsequent school year upon fulfillment of the requirements of  
21 this Section.

22 (e) Provided that the requirements of this Section are  
23 fulfilled, a pupil with asthma may possess and use his or her  
24 medication or a pupil may possess and use an epinephrine  
25 auto-injector (i) while in school, (ii) while at a  
26 school-sponsored activity, (iii) while under the supervision

1 of school personnel, or (iv) before or after normal school  
2 activities, such as while in before-school or after-school care  
3 on school-operated property.

4 (f) The school district or nonpublic school may maintain at  
5 a school in a locked, secure location a supply of epinephrine  
6 auto-injectors. A physician may prescribe epinephrine  
7 auto-injectors in the name of the school district or nonpublic  
8 school to be maintained for use when necessary. The school  
9 district or nonpublic school supply of epinephrine  
10 auto-injectors may be provided to and utilized by any student  
11 authorized to self-administer that meets the prescription on  
12 file or by any personnel authorized under a student's  
13 Individual Health Care Action Plan, Illinois Food Allergy  
14 Emergency Action Plan and Treatment Authorization Form, or plan  
15 pursuant to Section 504 of the federal Rehabilitation Act of  
16 1973 to administer an epinephrine auto-injector to the student,  
17 that meets the prescription on file. When a student does not  
18 have an epinephrine auto-injector or a prescription for an  
19 epinephrine auto-injector on file, the school nurse may utilize  
20 the school district or nonpublic school supply of epinephrine  
21 auto-injectors to respond to anaphylactic reaction, under a  
22 standing protocol from a physician licensed to practice  
23 medicine in all its branches and the requirements of this  
24 Section.

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

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

3           (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

4           Sec. 3.21. Except as authorized by this Act, the Controlled  
5 Substances Act, the Pharmacy Practice Act, the Dental Practice  
6 Act, the Medical Practice Act of 1987, the Veterinary Medicine  
7 and Surgery Practice Act of 2004, ~~or~~ the Podiatric Medical  
8 Practice Act of 1987, or Section 22-30 of the School Code, to  
9 sell or dispense a prescription drug without a prescription.  
10 (Source: P.A. 95-689, eff. 10-29-07.)

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.