

HB3741



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3741

by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30

Amends the School Code. Requires (instead of allows) a school district or nonpublic school to maintain at a school a supply of epinephrine auto-injectors. Effective immediately.

LRB098 14650 NHT 49484 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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 regardless of
9 whether authorization was given by the pupil's parents or
10 guardians or by the pupil's physician, physician's assistant,
11 or advanced practice registered nurse. The parents or guardians
12 of the pupil must sign a statement acknowledging that the
13 school district or nonpublic school and its employees and
14 agents are to incur no liability, except for willful and wanton
15 conduct, as a result of any injury arising from the
16 self-administration of medication or use of an epinephrine
17 auto-injector regardless of whether authorization was given by
18 the pupil's parents or guardians or by the pupil's physician,
19 physician's assistant, or advanced practice registered nurse
20 and that the parents or guardians must indemnify and hold
21 harmless the school district or nonpublic school and its
22 employees and agents against any claims, except a claim based
23 on willful and wanton conduct, arising out of the
24 self-administration of medication or use of an epinephrine
25 auto-injector regardless of whether authorization was given by
26 the pupil's parents or guardians or by the pupil's physician,

1 physician's assistant, or advanced practice registered nurse.
2 When a school nurse administers an epinephrine auto-injector to
3 a student whom the school nurse in good faith professionally
4 believes is having an anaphylactic reaction, notwithstanding
5 the lack of notice to the parents or guardians of the pupil or
6 the absence of the parents or guardians signed statement
7 acknowledging no liability, except for willful and wanton
8 conduct, the school district or nonpublic school and its
9 employees and agents, including a physician providing standing
10 protocol or prescription for school epinephrine
11 auto-injectors, are to incur no liability, except for willful
12 and wanton conduct, as a result of any injury arising from the
13 use of an epinephrine auto-injector regardless of whether
14 authorization was given by the pupil's parents or guardians or
15 by the pupil's physician, physician's assistant, or advanced
16 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 shall ~~may~~
5 maintain at a school in a locked, secure location a supply of
6 epinephrine auto-injectors. A physician may prescribe
7 epinephrine auto-injectors in the name of the school district
8 or nonpublic school to be maintained for use when necessary.
9 The school 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; 97-361, eff. 8-15-11.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.