

**Enrolled**  
**Senate Bill 1040**

Sponsored by Senators COURTNEY, KRUSE (at the request of American Lung Association of Oregon)

CHAPTER .....

AN ACT

Relating to students with chronic illnesses; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

**(a) "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.**

**(b) "Medication" means any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies.**

**(c) "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust.**

**(2) A school district board shall adopt policies and procedures that provide for self-administration of medication by kindergarten through grade 12 students with asthma or severe allergies:**

**(a) In school;**

**(b) At a school-sponsored activity;**

**(c) While under the supervision of school personnel;**

**(d) In before-school or after-school care programs on school-owned property; and**

**(e) In transit to or from school or school-sponsored activities.**

**(3) The policies and procedures shall:**

**(a) Require that an Oregon licensed health care professional prescribe the medication to be used by the student during school hours and instruct the student in the correct and responsible use of the medication;**

**(b) Require that an Oregon licensed health care professional, acting within the scope of the person's license, formulate a written treatment plan for managing the student's asthma or severe allergy and for the use of medication by the student during school hours;**

**(c) Require that the parent or guardian of the student submit to the school any written documentation required by the school, including any documents related to liability;**

**(d) Require that backup medication, if provided by a student's parent or guardian, be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma or severe allergy emergency;**

**(e) Require that a school request from the student's parent or guardian that the parent or guardian provide medication for emergency use by the student; and**

(f) Allow a school to revoke its permission for a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication.

(4) A school district board may impose other policies and procedures that the board determines are necessary to protect a student with asthma or a severe allergy.

(5) A school district board may not require school personnel who have not received appropriate training to assist a student with asthma or a severe allergy with self-administration of medication.

(6) This section does not apply to youth correctional facilities.

**SECTION 2.** (1) A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in section 1 of this 2007 Act, if the school administrator, school nurse, teacher or other school employee, in compliance with the instructions of the student's Oregon licensed health care professional, in good faith assists the student's self-administration of the medication pursuant to written permission and instructions of the student's parent, guardian or Oregon licensed health care professional.

(2) The civil and criminal immunities imposed by this section do not apply to an act or omission amounting to gross negligence or willful and wanton misconduct.

**SECTION 3.** (1) Section 1 of this 2007 Act first applies to the 2008-2009 school year.

(2) Section 2 of this 2007 Act applies to causes of action arising on or after July 1, 2008.

**SECTION 4.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on July 1, 2007.

Passed by Senate April 26, 2007

Received by Governor:

Repassed by Senate June 20, 2007

.....M.,....., 2007

Approved:

.....  
Secretary of Senate

.....M.,....., 2007

.....  
President of Senate

.....  
Governor

Passed by House June 5, 2007

Filed in Office of Secretary of State:

Repassed by House June 21, 2007

.....M.,....., 2007

.....  
Speaker of House

.....  
Secretary of State