

Senate Bill 533

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT (at the request of American Lung Association of Oregon)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Board of Education to adopt rules that allow students with asthma to self-administer asthma medication including autoinjectable epinephrine.

Directs school district board to adopt policies and procedures consistent with rules of State Board of Education.

Makes certain school personnel immune from liability for administration of asthma medication if personnel comply with specified instructions.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to students with asthma; creating new provisions; amending ORS 339.870; and declaring an
3 emergency.

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

5 **SECTION 1. (1) As used in this section, "asthma medication" means any nonprescription**
6 **or prescription medication used by a student with asthma and includes inhaled**
7 **bronchodilators, inhaled corticosteroids and autoinjectable epinephrine.**

8 **(2) The State Board of Education, in consultation with the Department of Human Ser-**
9 **vices, the Oregon State Board of Nursing and the State Board of Pharmacy, shall adopt rules**
10 **that permit students with asthma to self administer asthma medication.**

11 **(3) The rules shall require:**

12 **(a) A written statement from the student's physician that provides information about the**
13 **student's asthma medications and the times or special circumstances under which the stu-**
14 **dent may self-administer the asthma medications;**

15 **(b) Documentation that the student has the skill level to self-administer the asthma**
16 **medication;**

17 **(c) Written authorization from the parents or guardian of the student that the student**
18 **may self-administer the asthma medication;**

19 **(d) A requirement that schools have asthma medications available for emergency use;**
20 **and**

21 **(e) Other requirements that the State Board of Education determines are necessary to**
22 **protect the student with asthma.**

23 **(4) School district boards shall adopt policies and procedures that provide for:**

24 **(a) The administration of asthma medication to students with asthma by trained school**
25 **personnel; and**

26 **(b) Self-administration of asthma medication by students with asthma.**

27 **(5) The policies and procedures adopted by school district boards under subsection (4) of**
28 **this section shall be consistent with the rules adopted by the State Board of Education under**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 subsection (2) of this section.

2 (6) A school district board may not require school personnel who have not received ap-
 3 propriate training to administer medication to students with asthma.

4 **SECTION 2.** ORS 339.870 is amended to read:

5 339.870. (1) A school administrator, teacher or other school employee designated by the school
 6 administrator is not liable in a criminal action or for civil damages as a result of the administration
 7 of nonprescription medication, if the school administrator, teacher or other school employee in good
 8 faith administers nonprescription medication to a pupil pursuant to written permission and in-
 9 structions of the pupil's parents or guardian.

10 (2) A school administrator, teacher or other school employee designated by the school adminis-
 11 trator is not liable in a criminal action or for civil damages as a result of the administration of
 12 prescription medication, if the school administrator, teacher or other school employee, in compliance
 13 with the instructions of a physician, physician assistant, nurse practitioner or clinical nurse spe-
 14 cialist, in good faith administers prescription medication to a pupil pursuant to written permission
 15 and instructions of the pupil's parents or guardian.

16 (3) A school administrator, teacher or other school employee designated by the school
 17 administrator is not liable in a criminal action or for civil damages as a result of the ad-
 18 ministration of asthma medication, as defined in section 1 of this 2007 Act, if the school ad-
 19 ministrator, teacher or other school employee, in compliance with the instructions of a
 20 physician, physician assistant, nurse practitioner or clinical nurse specialist, in good faith
 21 administers the asthma medication to a pupil with asthma pursuant to written permission
 22 and instructions of the pupil's parents or guardian.

23 [(3)] (4) The civil and criminal immunities imposed by subsections (1) [and (2)] to (3) of this
 24 section do not apply to an act or omission amounting to gross negligence or willful and wanton
 25 misconduct.

26 **SECTION 3.** The State Board of Education shall adopt the rules described in section 1
 27 of this 2007 Act on or before July 1, 2008.

28 **SECTION 4.** (1) Section 1 of this 2007 Act first applies to the 2008-2009 school year.

29 (2) The amendments to ORS 339.870 by section 2 of this 2007 Act apply to causes of action
 30 arising on or after July 1, 2008.

31 **SECTION 5.** This 2007 Act being necessary for the immediate preservation of the public
 32 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
 33 on July 1, 2007.

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