

**PROPOSED AMENDMENTS TO
HOUSE BILL 2749**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page
2 2.

3 On page 3, delete line 1 and insert:

4 **“SECTION 1.** ORS 339.866 is amended to read:

5 “339.866. (1) As used in this section:

6 “(a) ‘Asthma’ means a chronic inflammatory disorder of the airways that
7 requires ongoing medical intervention.

8 “(b) ‘Medication’ means any prescription for bronchodilators or
9 autoinjectable epinephrine prescribed by a student’s Oregon licensed health
10 care professional for asthma or severe allergies.

11 “(c) ‘Severe allergy’ means a life-threatening hypersensitivity to a specific
12 substance such as food, pollen or dust.

13 “(2) A school district board shall adopt policies and procedures that pro-
14 vide for self-administration of medication by kindergarten through grade 12
15 students with asthma or severe allergies:

16 “(a) In school;

17 “(b) At a school-sponsored activity;

18 “(c) While under the supervision of school personnel;

19 “(d) In before-school or after-school care programs on school-owned prop-
20 erty; and

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

22 “(3) The policies and procedures shall:

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

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

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

11 “(d) Require that backup medication, if provided by a student’s parent or
12 guardian, be kept *[at]*:

13 **“(A) At a location in the student’s school *[in a location]* to which the
14 student has immediate access in the event the student has an asthma or se-
15 vere allergy emergency; or**

16 **“(B) In the student’s classroom, if:**

17 **“(i) The backup medication is autoinjectable epinephrine;**

18 **“(ii) The autoinjectable epinephrine can be stored in a secure lo-
19 cation that cannot be accessed by other students; and**

20 **“(iii) The student’s parent or guardian requests in writing that the
21 autoinjectable epinephrine be kept in the student’s classroom;**

22 “(e) Require that a school request from the student’s parent or guardian
23 that the parent or guardian provide medication for emergency use by the
24 student; and

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

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

1 “(5) A school district board may not require school personnel who have
2 not received appropriate training to assist a student with asthma or a severe
3 allergy with self-administration of medication **or to administer**
4 **autoinjectable epinephrine if a student with a severe allergy is unable**
5 **to self-administer the medication.**

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

7 **“SECTION 2.** ORS 339.871 is amended to read:

8 “339.871. (1) A school administrator, school nurse, teacher or other school
9 employee designated by the school administrator is not liable in a criminal
10 action or for civil damages as a result of a student’s [*self-administration*] **use**
11 of medication, as described in ORS 339.866, if the school administrator,
12 school nurse, teacher or other school employee, in compliance with the in-
13 structions of the student’s Oregon licensed health care professional, in good
14 faith:

15 **“(a) Assists the student’s self-administration of the medication, if the**
16 **medication is available to the student** pursuant to written permission and
17 instructions of the student’s parent, guardian or Oregon licensed health care
18 professional[.]; **or**

19 **“(b) Administers autoinjectable epinephrine to a student with a se-**
20 **vere allergy who is unable to self-administer the medication, if the**
21 **autoinjectable epinephrine is available for the student pursuant to**
22 **written permission and instructions of the student’s parent, guardian**
23 **or Oregon licensed health care professional.**

24 **“(2) A school district and the members of a school district board**
25 **are not liable in a criminal action or for civil damages as a result of**
26 **a student’s use of medication, as described in ORS 339.866, if:**

27 **“(a) Any person in good faith administers autoinjectable**
28 **epinephrine to a student with a severe allergy who is unable to self-**
29 **administer the medication;**

30 **“(b) The person administered the autoinjectable epinephrine at a**

1 **school, on school property under the jurisdiction of the district or at**
2 **an activity under the jurisdiction of the school district; and**

3 **“(c) The autoinjectable epinephrine is available for the student**
4 **pursuant to written permission and instructions of the student’s par-**
5 **ent, guardian or Oregon licensed health care professional.**

6 **“[(2)] (3) The civil and criminal immunities imposed by this section do**
7 **not apply to an act or omission amounting to gross negligence or willful and**
8 **wanton misconduct.”.**

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