

Senate File 2177

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1 3 AN ACT
1 4 RELATING TO THE POSSESSION AND SELF-ADMINISTRATION OF ASTHMA
1 5 OR OTHER AIRWAY CONSTRICTING DISEASE MEDICATION BY PUBLIC
1 6 AND ACCREDITED NONPUBLIC SCHOOL STUDENTS.
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 10 Section 1. NEW SECTION. 280.16 SELF-ADMINISTRATION OF
1 11 ASTHMA OR OTHER AIRWAY CONSTRICTING DISEASE MEDICATION.
1 12 1. DEFINITIONS. For purposes of this section:
1 13 a. "Medication" means a drug that meets the definition
1 14 provided in section 126.2, subsection 8, has an individual
1 15 prescription label, is prescribed by a physician for a
1 16 student, and pertains to the student's asthma or other airway
1 17 constricting disease.
1 18 b. "Physician" means a person licensed under chapter 148,
1 19 150, or 150A, or a physician's assistant, advanced registered
1 20 nurse practitioner, or other person licensed or registered to
1 21 distribute or dispense a prescription drug or device in the
1 22 course of professional practice in this state in accordance
1 23 with section 147.107, or a person licensed by another state in
1 24 a health field in which, under Iowa law, licensees in this
1 25 state may legally prescribe drugs.
1 26 c. "Self-administration" means a student's discretionary
1 27 use of medication prescribed by a physician for the student.
1 28 2. The board of directors of a school district and the
1 29 authorities in charge of an accredited nonpublic school shall
1 30 permit the self-administration of medication by a student with
1 31 asthma or other airway constricting disease if the following
1 32 conditions are met:
1 33 a. The student's parent or guardian provides to the school
1 34 written authorization for the self-administration of
1 35 medication.
2 1 b. The student's parent or guardian provides to the school
2 2 a written statement from the student's physician containing
2 3 the following information:
2 4 (1) The name and purpose of the medication.
2 5 (2) The prescribed dosage.
2 6 (3) The times at which or the special circumstances under
2 7 which the medication is to be administered.
2 8 c. The parent or guardian and the school meet the
2 9 requirements of subsection 3.
2 10 3. The school district or accredited nonpublic school
2 11 shall notify the parent or guardian of the student, in
2 12 writing, that the school district or accredited nonpublic
2 13 school and its employees are to incur no liability, except for
2 14 gross negligence, as a result of any injury arising from self=
2 15 administration of medication by the student. The parent or
2 16 guardian of the student shall sign a statement acknowledging
2 17 that the school district or nonpublic school is to incur no
2 18 liability, except for gross negligence, as a result of self=
2 19 administration of medication by the student. A school
2 20 district or accredited nonpublic school and its employees
2 21 acting reasonably and in good faith shall incur no liability
2 22 for any improper use of medication as defined in this section
2 23 or for supervising, monitoring, or interfering with a
2 24 student's self-administration of medication as defined in this
2 25 section.
2 26 4. The permission for self-administration of medication is
2 27 effective for the school year for which it is granted and
2 28 shall be renewed each subsequent school year upon fulfillment
2 29 of the requirements of this section. However, the parent or
2 30 guardian shall immediately notify the school of any changes in
2 31 the conditions listed under subsection 2.
2 32 5. Provided that the requirements of this section are
2 33 fulfilled, a student with asthma or other airway constricting
2 34 disease may possess and use the student's medication while in
2 35 school, at school-sponsored activities, under the supervision
3 1 of school personnel, and before or after normal school
3 2 activities, such as while in before-school or after-school
3 3 care on school-operated property. If the student misuses this
3 4 privilege, the privilege may be withdrawn.
3 5 6. Information provided to the school under subsection 2

3 6 shall be kept on file in the office of the school nurse or, in
3 7 the absence of a school nurse, the school's administrator.
3 8 7. The Iowa braille and sight saving school, the state
3 9 school for the deaf, and the institutions under the control of
3 10 the department of human services as provided in section 218.1
3 11 are exempt from the provisions of this section.

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JEFFREY M. LAMBERTI
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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3 23 I hereby certify that this bill originated in the Senate and
3 24 is known as Senate File 2177, Eightieth General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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3 30 Approved _____, 2004

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THOMAS J. VILSACK
Governor