



THOMAS J. VILSACK  
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

April 12, 2004

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:


**Senate File 2101**, an Act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

**Senate File 2149**, an Act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

**Senate File 2177**, an Act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

The above Senate Files are hereby approved this date.

Sincerely,

  
Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 2177

AN ACT

RELATING TO THE POSSESSION AND SELF-ADMINISTRATION OF ASTHMA  
OR OTHER AIRWAY CONSTRICTING DISEASE MEDICATION BY PUBLIC  
AND ACCREDITED NONPUBLIC SCHOOL STUDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 280.16 SELF-ADMINISTRATION OF  
ASTHMA OR OTHER AIRWAY CONSTRICTING DISEASE MEDICATION.

1. DEFINITIONS. For purposes of this section:

a. "Medication" means a drug that meets the definition provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a physician for a student, and pertains to the student's asthma or other airway constricting disease.

b. "Physician" means a person licensed under chapter 148, 150, or 150A, or a physician's assistant, advanced registered nurse practitioner, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state in accordance with section 147.107, or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

c. "Self-administration" means a student's discretionary use of medication prescribed by a physician for the student.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall permit the self-administration of medication by a student with asthma or other airway constricting disease if the following conditions are met:

a. The student's parent or guardian provides to the school written authorization for the self-administration of medication.

b. The student's parent or guardian provides to the school a written statement from the student's physician containing the following information:

(1) The name and purpose of the medication.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication is to be administered.

c. The parent or guardian and the school meet the requirements of subsection 3.

3. The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication by the student. The parent or guardian of the student shall sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for gross negligence, as a result of self-administration of medication by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication as defined in this section or for supervising, monitoring, or interfering with a student's self-administration of medication as defined in this section.

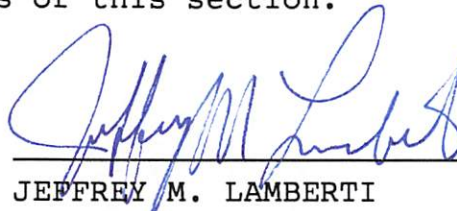
4. The permission for self-administration of medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section. However, the parent or guardian shall immediately notify the school of any changes in the conditions listed under subsection 2.

5. Provided that the requirements of this section are fulfilled, a student with asthma or other airway constricting disease may possess and use the student's medication while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school

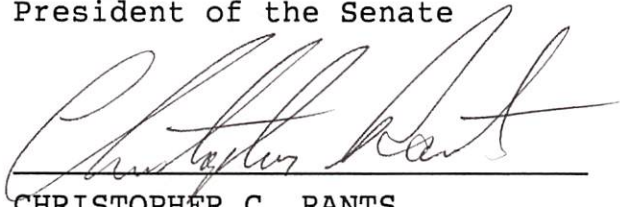
care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn.

6. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

7. The Iowa braille and sight saving school, the state school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.



JEFFREY M. LAMBERTI  
President of the Senate



CHRISTOPHER C. RANTS  
Speaker of the House

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



MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 12, 2004



THOMAS J. VILSACK  
Governor