

FILED FEB 17 '01

EDUCATION

SENATE FILE

2129

BY TINSMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the possession and self-administration of  
2 asthma medication by public and accredited nonpublic school  
3 students.

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

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SF 2129 EDUCATION

1 Section 1. NEW SECTION. 280.16 SELF-ADMINISTRATION OF  
2 ASTHMA MEDICATION.

3 1. DEFINITIONS. For purposes of this section:

4 a. "Medication" means a drug that meets the definition  
5 provided in section 126.2, subsection 8, has an individual  
6 prescription label, is prescribed by a physician for a  
7 student, and pertains to the student's asthma.

8 b. "Physician" means a person licensed under chapter 148,  
9 150, or 150A, or other person licensed or registered to  
10 distribute or dispense a prescription drug or device in the  
11 course of professional practice in this state or a person  
12 licensed by another state in a health field in which, under  
13 Iowa law, licensees in this state may legally prescribe drugs.

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

16 2. The board of directors of a school district and the  
17 authorities in charge of an accredited nonpublic school shall  
18 permit the self-administration of medication by a student with  
19 asthma if the following conditions are met:

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

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

26 (1) The name and purpose of the medication.

27 (2) The prescribed dosage.

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

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

32 3. The school district or accredited nonpublic school  
33 shall notify the parent or guardian of the student, in  
34 writing, that the school district or accredited nonpublic  
35 school and its employees and agents are to incur no liability,

1 except for willful and wanton misconduct, as a result of any  
2 injury arising from the self-administration of medication by  
3 the student. The parent or guardian of the pupil shall sign a  
4 statement acknowledging that the school district or nonpublic  
5 school is to incur no liability, except for willful and wanton  
6 misconduct, as a result of any injury arising from the self-  
7 administration of medication by the pupil and that the parents  
8 or guardians must indemnify and hold harmless the school  
9 district or nonpublic school and its employees and agents  
10 against any claims, except a claim based on willful and wanton  
11 misconduct, arising out of the self-administration of  
12 medication by the student.

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

19 5. Provided that the requirements of this section are  
20 fulfilled, a student with asthma may possess and use the  
21 student's medication while in school, at school-sponsored  
22 activities, under the supervision of school personnel, and  
23 before or after normal school activities, such as while in  
24 before-school or after-school care on school-operated  
25 property. If the student misuses this privilege, the  
26 privilege may be withdrawn.

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

30 EXPLANATION

31 This bill requires school districts and accredited  
32 nonpublic schools to allow a student to possess and self-  
33 administer asthma medication if the student's parent or  
34 guardian submits written authorization, along with the name  
35 and purpose of the medication, the prescribed dosage, and the

1 times at which or the special circumstances under which the  
2 medication is to be administered.

3 The parents or guardians must indemnify and hold harmless  
4 the school district or nonpublic school and its employees and  
5 agents against any claims, except a claim based on willful and  
6 wanton misconduct, arising out of the self-administration of  
7 medication by the student.

8 The permission for self-administration of medication is  
9 effective for the school year. However, the parent or  
10 guardian shall immediately notify the school of any changes in  
11 the circumstances relating to the self-administration of the  
12 medication.

13 The bill allows the student to possess and use the  
14 medication while in school, at school-sponsored activities,  
15 under the supervision of school personnel, and before or after  
16 normal school activities, such as while in before-school or  
17 after-school care on school-operated property.

18 The school must maintain the information on file in the  
19 office of the school nurse or, in the absence of a school  
20 nurse, the school's administrator.

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