

ASSEMBLY BILL NO. 182—ASSEMBLYMEN SIBLEY, HARDY, MCCLEARY, SEALE, LESLIE, ALLEN, ANDERSON, ANGLE, ATKINSON, BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, CONKLIN, DENIS, GANSERT, GERHARDT, GIUNCHIGLIANI, GOICOECHEA, GRADY, HETTRICK, HOGAN, HOLCOMB, HORNE, KIRKPATRICK, KOIVISTO, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARNELL, PERKINS, PIERCE, SHERER AND WEBER

MARCH 8, 2005

JOINT SPONSORS: SENATORS SCHNEIDER, TOWNSEND, LEE, BEERS, CARLTON, HARDY, HECK, TIFFANY AND TITUS

Referred to Committee on Health and Human Services

SUMMARY—Requires boards of trustees of school districts to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances. (BDR 34-1000)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted-material]** is material to be omitted.

AN ACT relating to pupils; requiring the boards of trustees of school districts to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides various requirements concerning pupils who attend
- 2 public schools in this State, including requirements concerning the health and
- 3 safety of pupils. (Chapter 392 of NRS) The federal Asthmatic Schoolchildren's
- 4 Treatment and Health Management Act of 2004 identifies the need for school
- 5 districts to develop medication policies that allow a pupil who has asthma or
- 6 anaphylaxis to have immediate use of appropriate medication. The Act also gives



7 preference for the awarding of certain federal health care-related grants to states
8 that allow pupils to self-administer medication to treat asthma and anaphylaxis.
9 (Public Law 108-377, 108th Congress; 42 U.S.C. 280g)

10 This bill allows a parent or legal guardian of a pupil who has asthma or
11 anaphylaxis to request authorization from the board of trustees of the school district
12 in which the pupil is enrolled to allow the pupil to self-administer medication for
13 the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public
14 school, at an activity sponsored by a public school or on a school bus. If the request
15 contains certain specified information, the board of trustees is required to approve
16 the request. This bill further provides that authorization by a board of trustees for a
17 pupil to self-administer medication does not create any additional duties or any
18 liability on the board of trustees, the school district or public school or an employee
19 or agent of any of them.

1 WHEREAS, Asthma is a chronic condition, requiring lifetime,
2 ongoing medical intervention; and

3 WHEREAS, Asthma is the leading serious chronic illness among
4 children in the United States; and

5 WHEREAS, In 2001, over 20 million Americans, including over
6 6 million children, had asthma and in 2000 there were
7 approximately 1,800,000 asthma-related visits to emergency rooms,
8 of which approximately 728,000 involved children under the age of
9 18 years; and

10 WHEREAS, According to the federal Centers for Disease Control
11 and Prevention, asthma is a common cause of missed school days,
12 accounting for approximately 14 million lost school days annually;
13 and

14 WHEREAS, Anaphylaxis, or anaphylactic shock, is a systemic
15 allergic reaction that can cause death within minutes; and

16 WHEREAS, Exposure to the affecting allergen that causes
17 anaphylactic shock, which may be a food, drug or insect sting,
18 requires prompt attention and may require an injection of
19 epinephrine; and

20 WHEREAS, According to the American Academy of Allergy,
21 Asthma and Immunology, people who have experienced symptoms
22 of anaphylaxis are at risk for subsequent reactions and should carry
23 an epinephrine auto-injector, if prescribed, on their person at all
24 times; and

25 WHEREAS, Allowing pupils who have asthma or anaphylaxis to
26 carry and use asthma inhalers and auto-injectable epinephrine
27 during school hours could prevent tragic injuries or even death from
28 occurring to such pupils as a result of their condition; and

29 WHEREAS, In October of 2004, the Congress of the United
30 States enacted the Asthmatic Schoolchildren's Treatment and Health
31 Management Act of 2004, which gives preferences in making
32 certain public health services administration grants and other



1 asthma-related grants to states that allow pupils to self-administer
2 medication to treat asthma and anaphylaxis while at school; now,
3 therefore,

4
5 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
6 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
7

8 **Section 1.** Chapter 392 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. The parent or legal guardian of a pupil who has asthma or*
11 *anaphylaxis may submit a written request to the board of trustees*
12 *of the school district in which the pupil is enrolled to allow the*
13 *pupil to self-administer medication for the treatment of the pupil's*
14 *asthma or anaphylaxis while the pupil is on the grounds of a*
15 *public school, participating in an activity sponsored by a public*
16 *school or on a school bus.*

17 *2. A written request made pursuant to subsection 1 must*
18 *include:*

19 *(a) A signed statement of a physician indicating that the pupil*
20 *has asthma or anaphylaxis and is capable of self-administration of*
21 *the medication while the pupil is on the grounds of a public*
22 *school, participating in an activity sponsored by a public school or*
23 *on a school bus;*

24 *(b) A written treatment plan prepared by the physician*
25 *pursuant to which the pupil will manage his asthma or*
26 *anaphylaxis if the pupil experiences an asthmatic attack or*
27 *anaphylactic shock while on the grounds of a public school,*
28 *participating in an activity sponsored by a public school or on a*
29 *school bus;*

30 *(c) A signed statement of the parent or legal guardian:*

31 *(1) Indicating that the parent or legal guardian grants*
32 *permission for the pupil to self-administer the medication while*
33 *the pupil is on the grounds of a public school, participating in an*
34 *activity sponsored by a public school or on a school bus; and*

35 *(2) Acknowledging that the parent or legal guardian is*
36 *aware of and understands the provisions of subsection 3.*

37 *3. The provisions of this section do not:*

38 *(a) Create a duty for the board of trustees of the school district,*
39 *the school district, the public school in which the pupil is enrolled,*
40 *or an employee or agent thereof, that is in addition to those duties*
41 *otherwise required in the course of service or employment; or*

42 *(b) Create any liability on the part of the board of trustees of*
43 *the school district, the school district, the public school in which*
44 *the pupil is enrolled, or an employee or agent thereof, to the pupil*



1 or his parent or legal guardian for injury to or the death of the
2 pupil as a result of self-administration of the medication.

3 4. Upon receipt of a request that complies with subsection 2,
4 the board of trustees of a school district shall provide written
5 authorization for the pupil to carry and self-administer medication
6 to treat his asthma or anaphylaxis while the pupil is on the
7 grounds of a public school, participating in an activity sponsored
8 by a public school or on a school bus. The written authorization
9 must be filed with the principal of the public school in which the
10 pupil is enrolled and must include:

11 (a) The name and purpose of the medication which the pupil is
12 authorized to self-administer;

13 (b) The prescribed dosage and the duration of the prescription;

14 (c) The times or circumstances, or both, during which the
15 medication is required or recommended for self-administration;

16 (d) The side effects that may occur from an administration of
17 the medication; and

18 (e) The name and telephone number of the pupil's physician
19 and the name and telephone number of the person to contact in
20 the case of a medical emergency concerning the pupil.

21 5. The written authorization provided pursuant to subsection
22 4 is valid for 1 school year. If a parent or legal guardian submits a
23 written request that complies with subsection 2, the board of
24 trustees of a school district shall renew and, if necessary, revise
25 the written authorization.

26 6. If a parent or legal guardian of a pupil who is authorized
27 pursuant to this section to carry medication on his person provides
28 to the principal of the public school in which the pupil is enrolled
29 doses of the medication in addition to the dosage that the pupil
30 carries on his person, the principal shall ensure that the additional
31 medication is:

32 (a) Stored on the premises of the public school in a location
33 that is secure; and

34 (b) Readily available if the pupil experiences an asthmatic
35 attack or anaphylactic shock during school hours.

36 7. As used in this section:

37 (a) "Medication" means any medicine prescribed by a
38 physician for the treatment of anaphylaxis or asthma, including,
39 without limitation, asthma inhalers and auto-injectable
40 epinephrine.

41 (b) "Physician" means a person who is licensed to practice
42 medicine pursuant to chapter 630 of NRS or osteopathic medicine
43 pursuant to chapter 633 of NRS.



- 1 (c) *“Self-administer” means the auto-administration of a*
2 *medication pursuant to the prescription for the medication or*
3 *written directions for such a medication.*
4 **Sec. 2.** This act becomes effective on July 1, 2005.



