

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, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Sherer and Weber

Joint Sponsors: Senators Schneider, Townsend, Lee, Beers, Carlton, Hardy, Heck, Tiffany and Titus

CHAPTER.....

AN ACT relating to pupils; requiring a principal or a school nurse of a public school 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:

Existing law provides various requirements concerning pupils who attend public schools in this State, including requirements concerning the health and safety of pupils. (Chapter 392 of NRS) The federal Asthmatic Schoolchildren's Treatment and Health Management Act of 2004 identifies the need for school districts to develop medication policies that allow a pupil who has asthma or anaphylaxis to have immediate use of appropriate medication. The Act also gives preference for the awarding of certain federal grants relating to health care to states that allow pupils to self-administer medication to treat asthma and anaphylaxis. (Public Law 108-377, 108th Congress; 42 U.S.C. § 280g)

This bill allows a parent or legal guardian of a pupil who has asthma or anaphylaxis to request authorization from the principal or if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public school, at an activity sponsored by a public school or on a school bus. If the request contains certain specified information, the principal or if applicable, the school nurse is required to approve the request. This bill further provides that authorization by a principal or school nurse for a pupil to self-administer medication does not create any additional duties of the board of trustees, the school district or the public school, or an employee or agent of any of them. In addition, those entities and persons are immune from liability for an injury or death that is the result of the self-administration or failure to self-administer a drug pursuant to the bill.

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

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

WHEREAS, In 2001, over 20 million Americans, including over 6 million children, had asthma and in 2000 there were

approximately 1,800,000 asthma-related visits to emergency rooms, of which approximately 728,000 involved children under the age of 18 years; and

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

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

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

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

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

WHEREAS, In October of 2004, the Congress of the United States enacted the Asthmatic Schoolchildren's Treatment and Health Management Act of 2004, which gives preferences in making certain public health services administration grants and other asthma-related grants to states that allow pupils to self-administer medication to treat asthma and anaphylaxis while at school; now, therefore,

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

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

1. The parent or legal guardian of a pupil who has asthma or anaphylaxis may submit a written request to the principal or if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of the pupil's asthma or anaphylaxis while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

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

(a) A signed statement of a physician indicating that the pupil has asthma or anaphylaxis and is capable of self-administration of

the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

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

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

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

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections 3 and 4.

3. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

4. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of the pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication.

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

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

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

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

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

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

6. The written authorization provided pursuant to subsection 5 is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection 2, the principal or if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

7. If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his person provides to the principal or if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his person, the principal or if applicable, the school nurse shall ensure that the additional medication is:

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

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

8. As used in this section:

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

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

(c) "Self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 2. This act becomes effective on July 1, 2005.