

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 principals and school nurses 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 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:

- 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



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7 preference for the awarding of certain federal grants relating to health care 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 principal or if applicable, the school
12 nurse of the public school in which the pupil is enrolled to allow the pupil to self-
13 administer medication for the treatment of asthma or anaphylaxis while the pupil is
14 on the grounds of a public school, at an activity sponsored by a public school or on
15 a school bus. If the request contains certain specified information, the principal or if
16 applicable, the school nurse is required to approve the request. This bill further
17 provides that authorization by a principal or school nurse for a pupil to self-
18 administer medication does not create any additional duties of the board of trustees,
19 the school district or the public school, or an employee or agent of any of them. In
20 addition, those entities and persons are immune from liability for an injury or death
21 that is the result of the self-administration or failure to self-administer a drug
22 pursuant to the bill.

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



1 Management Act of 2004, which gives preferences in making
2 certain public health services administration grants and other
3 asthma-related grants to states that allow pupils to self-administer
4 medication to treat asthma and anaphylaxis while at school; now,
5 therefore,

6
7 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
8 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
9

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

27 6. The written authorization provided pursuant to subsection
28 5 is valid for 1 school year. If a parent or legal guardian submits a
29 written request that complies with subsection 2, the principal or if
30 applicable, the school nurse of the public school in which the
31 pupil is enrolled shall renew and, if necessary, revise the written
32 authorization.

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

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

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



1 8. *As used in this section:*

2 (a) *“Medication” means any medicine prescribed by a*
3 *physician for the treatment of anaphylaxis or asthma, including,*
4 *without limitation, asthma inhalers and auto-injectable*
5 *epinephrine.*

6 (b) *“Physician” means a person who is licensed to practice*
7 *medicine pursuant to chapter 630 of NRS or osteopathic medicine*
8 *pursuant to chapter 633 of NRS.*

9 (c) *“Self-administer” means the auto-administration of a*
10 *medication pursuant to the prescription for the medication or*
11 *written directions for such a medication.*

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



