

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-22.21b and by adding Section 34-18.61 as follows:

6 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)
7 Sec. 10-22.21b. Administering medication.

8 (a) In this Section, "asthma action plan" has the meaning
9 given to that term under Section 22-30.

10 (b) To provide for the administration of medication to
11 students. It shall be the policy of the State of Illinois that
12 the administration of medication to students during regular
13 school hours and during school-related activities should be
14 discouraged unless absolutely necessary for the critical
15 health and well-being of the student. Under no circumstances
16 shall teachers or other non-administrative school employees,
17 except certified school nurses and non-certificated registered
18 professional nurses, be required to administer medication to
19 students. This Section shall not prohibit a school district
20 from adopting guidelines for self-administration of medication
21 by students that are consistent with this Section and this
22 Code. This Section shall not prohibit any school employee from
23 providing emergency assistance to students.

1 (c) Notwithstanding any other provision of law, a school
2 district must allow any student with an asthma action plan, an
3 Individual Health Care Action Plan, an Illinois Food Allergy
4 Emergency Action Plan and Treatment Authorization Form, a plan
5 pursuant to Section 504 of the federal Rehabilitation Act of
6 1973, or a plan pursuant to the federal Individuals with
7 Disabilities Education Act to self-administer any medication
8 required under those plans if the student's parent or guardian
9 provides the school district with (i) written permission for
10 the student's self-administration of medication and (ii)
11 written authorization from the student's physician, physician
12 assistant, or advanced practice registered nurse for the
13 student to self-administer the medication. A parent or guardian
14 must also provide to the school district the prescription label
15 for the medication, which must contain the name of the
16 medication, the prescribed dosage, and the time or times at
17 which or the circumstances under which the medication is to be
18 administered. Information received by a school district under
19 this subsection shall be kept on file in the office of the
20 school nurse or, in the absence of a school nurse, the school's
21 administrator.

22 (d) Each school district must adopt an emergency action
23 plan for a student who self-administers medication under
24 subsection (c). The plan must include both of the following:

25 (1) A plan of action in the event a student is unable
26 to self-administer medication.

1 (2) The situations in which a school must call 9-1-1.

2 (e) A school district and its employees and agents shall
3 incur no liability, except for willful and wanton conduct, as a
4 result of any injury arising from the self-administration of
5 medication by a student under subsection (c). The student's
6 parent or guardian must sign a statement to this effect, which
7 must acknowledge that the parent or guardian must indemnify and
8 hold harmless the school district and its employees and agents
9 against any claims, except a claim based on willful and wanton
10 conduct, arising out of the self-administration of medication
11 by a student.

12 (Source: P.A. 91-719, eff. 6-2-00.)

13 (105 ILCS 5/34-18.61 new)

14 Sec. 34-18.61. Self-administrating medication.

15 (a) In this Section, "asthma action plan" has the meaning
16 given to that term under Section 22-30.

17 (b) Notwithstanding any other provision of law, the school
18 district must allow any student with an asthma action plan, an
19 Individual Health Care Action Plan, an Illinois Food Allergy
20 Emergency Action Plan and Treatment Authorization Form, a plan
21 pursuant to Section 504 of the federal Rehabilitation Act of
22 1973, or a plan pursuant to the federal Individuals with
23 Disabilities Education Act to self-administer any medication
24 required under those plans if the student's parent or guardian
25 provides the school district with (i) written permission for

1 the student's self-administration of medication and (ii)
2 written authorization from the student's physician, physician
3 assistant, or advanced practice registered nurse for the
4 student to self-administer the medication. A parent or guardian
5 must also provide to the school district the prescription label
6 for the medication, which must contain the name of the
7 medication, the prescribed dosage, and the time or times at
8 which or the circumstances under which the medication is to be
9 administered. Information received by the school district
10 under this subsection shall be kept on file in the office of
11 the school nurse or, in the absence of a school nurse, the
12 school's administrator.

13 (c) The school district must adopt an emergency action plan
14 for a student who self-administers medication under subsection
15 (b). The plan must include both of the following:

16 (1) A plan of action in the event a student is unable
17 to self-administer medication.

18 (2) The situations in which a school must call 9-1-1.

19 (d) The school district and its employees and agents shall
20 incur no liability, except for willful and wanton conduct, as a
21 result of any injury arising from the self-administration of
22 medication by a student under subsection (b). The student's
23 parent or guardian must sign a statement to this effect, which
24 must acknowledge that the parent or guardian must indemnify and
25 hold harmless the school district and its employees and agents
26 against any claims, except a claim based on willful and wanton

1 conduct, arising out of the self-administration of medication
2 by a student.