

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB0094**

Introduced 1/24/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:410 ILCS 607/5
410 ILCS 607/10

Amends the Asthma Inhalers at Recreational Camps Act. Adds provisions authorizing possession, self-administration, and use of epinephrine injections and asthma medications at after-school care programs. Provides that after-school care program personnel may carry and administer an undesignated epinephrine injection to any child if the after-school care program personnel in good faith believe the child is having an anaphylactic reaction and may carry and administer an undesignated asthma medication to any child if the after-school care program personnel in good faith believe the child is experiencing respiratory distress while in the after-school care program. Provides that if after-school care program personnel are to administer an undesignated epinephrine injection or an undesignated asthma medication to a child, the after-school care program personnel must inform the parent or guardian of the child, in writing, that the after-school care program and its employees and agents are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the administration of the injection or medication. Provides that a parent or guardian of the child must sign a statement acknowledging such and that the parent or guardian must indemnify and hold harmless the after-school care program and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration of the medication or injection regardless of whether authorization was given. Contains other provisions. Effective immediately.

LRB103 25902 CPF 52253 b

1 AN ACT concerning health.

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

4 Section 5. The Asthma Inhalers at Recreational Camps Act
5 is amended by changing Sections 5 and 10 as follows:

6 (410 ILCS 607/5)

7 Sec. 5. Definitions. In this Act:

8 "After-school care program" means an after-school care
9 program operated by a park district or any nonprofit or
10 for-profit entity on school district property.

11 "Recreational camp" means any place set apart for
12 recreational purposes for boys and girls. "Recreational camp"
13 shall not apply to private camps owned or leased for
14 individual or family use, or to any camp operated for a period
15 of less than 10 days in a year.

16 (Source: P.A. 94-670, eff. 8-23-05.)

17 (410 ILCS 607/10)

18 Sec. 10. Possession, self-administration, and use of
19 epinephrine auto-injectors or inhalers at recreation camps and
20 after-school care programs.

21 (a) A recreation camp or an after-school care program
22 shall permit a child with severe, potentially life-threatening

1 allergies to possess, self-administer, and use an epinephrine
2 auto-injector or inhaler, if the following conditions are
3 satisfied:

4 (1) The child has the written approval of his or her
5 parent or guardian.

6 (2) The recreational camp or after-school care program
7 administrator or, if a nurse is assigned to the camp or
8 program, the nurse shall receive copies of the written
9 approvals required under paragraph (1) of subsection (a)
10 of this Section.

11 (3) The child's parent or guardian shall submit
12 written verification confirming that the child has the
13 knowledge and skills to safely possess, self-administer,
14 and use an epinephrine auto-injector or inhaler in a camp
15 or an after-school care program setting.

16 (b) The child's parent or guardian shall provide the camp
17 or program with the following information:

18 (1) the child's name;

19 (2) the name, route, and dosage of medication;

20 (3) the frequency and time of medication
21 administration or assistance;

22 (4) the date of the order;

23 (5) a diagnosis and any other medical conditions
24 requiring medications, if not a violation of
25 confidentiality or if not contrary to the request of the
26 parent or guardian to keep confidential;

- 1 (6) specific recommendations for administration;
- 2 (7) any special side effects, contraindications, and
3 adverse reactions to be observed;
- 4 (8) the name of each required medication; and
- 5 (9) any severe adverse reactions that may occur to
6 another child, for whom the epinephrine auto-injector or
7 inhaler is not prescribed, should the other child receive
8 a dose of the medication.

9 (c) If the conditions of this Act are satisfied, the child
10 may possess, self-administer, and use an epinephrine
11 auto-injector or inhaler at the camp or after-school care
12 program or at any camp-sponsored or program-sponsored
13 activity, event, or program.

14 (d) The recreational camp or after-school care program
15 must inform the parents or guardians of the child, in writing,
16 that the recreational camp or after-school care program and
17 its employees and agents are to incur no liability, as
18 applicable, except for willful and wanton conduct, as a result
19 of any injury arising from the self-administration of
20 medication to the child. The parents or guardians of the child
21 must sign a statement acknowledging that the recreational camp
22 or after-school care program is to incur no liability, except
23 for willful and wanton conduct, as a result of any injury
24 arising from the self-administration of medication by the
25 child and that the parents or guardians must indemnify and
26 hold harmless the recreational camp or after-school care

1 program and its employees and agents, as applicable, against
2 any claims, except a claim based on willful and wanton
3 conduct, arising out of the self-administration of medication
4 by the child.

5 (e) After-school care program personnel may administer an
6 undesigned epinephrine injection to any child if the
7 after-school care program personnel believe in good faith that
8 the child is having an anaphylactic reaction while in the
9 after-school care program. After-school care program personnel
10 may carry undesigned epinephrine injectors on their person
11 while in the after-school care program.

12 (f) After-school care program personnel may administer
13 undesigned asthma medication to any child if the
14 after-school care program personnel believe in good faith that
15 the child is experiencing respiratory distress while in the
16 after-school care program. After-school care program personnel
17 may carry undesigned asthma medication on their person while
18 in the after-school care program.

19 (g) If after-school care program personnel are to
20 administer an undesigned epinephrine injection or an
21 undesigned asthma medication to a child, the after-school
22 care program personnel must inform the parents or guardians of
23 the child, in writing, that the after-school care program and
24 its employees and agents, including a physician, physician
25 assistant, or advanced practice registered nurse, acting in
26 accordance with standard protocols and the prescription for

1 the injection or medication, shall incur no liability or
2 professional discipline, except for willful and wanton
3 conduct, as a result of any injury arising from the
4 administration of the injection or medication, notwithstanding
5 whether authorization was given by the child's parents or
6 guardians or by the child's physician, physician assistant, or
7 advanced practice registered nurse. A parent or guardian of
8 the child must sign a statement acknowledging that the
9 after-school care program and its employees and agents are to
10 incur no liability, except for willful and wanton conduct, as
11 a result of any injury arising from the administration of the
12 medication or injection, regardless of whether authorization
13 was given by a parent or guardian of the child or by the
14 child's physician, physician assistant, or advanced practice
15 registered nurse, and that the parent or guardian must also
16 indemnify and hold harmless the after-school care program and
17 its employees and agents against any claims, except a claim
18 based on willful and wanton conduct, arising out of the
19 administration of the medication or injection, regardless of
20 whether authorization was given by the child's parent or
21 guardian or by the child's physician, physician assistant, or
22 advanced practice registered nurse.

23 (h) If after-school care program personnel administer an
24 undesigned epinephrine injection to a person and the
25 after-school care program personnel believe in good faith the
26 person is having an anaphylactic reaction or administer

1 undesigned asthma medication to a person and believe in good
2 faith the person is experiencing respiratory distress, then
3 the after-school care program, its employees and agents, and
4 any physician, physician assistant, or advanced practice
5 registered nurse, acting in accordance with standard protocols
6 and the prescription for the injection or medication, shall
7 not, except for willful and wanton conduct, incur any
8 liability or be subject to professional discipline as a result
9 of any injury arising from the use of the injection or
10 medication, notwithstanding whether notice was given to or
11 authorization was given by the child's parent or guardian or
12 by the child's physician, physician assistant, or advanced
13 practice registered nurse and notwithstanding the absence of
14 the parent's or guardian's signed statement acknowledging
15 release from liability.

16 (Source: P.A. 94-670, eff. 8-23-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.