



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2898

Introduced 1/20/2006, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30
30 ILCS 805/8.30 new

Amends the School Code. In provisions that require a public or nonpublic school to permit the self-administration of medication by a pupil with asthma, adds the requirement that the school also permit the self-administration of medication by a pupil with allergies. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 17501 NHT 52797 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning schools.

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 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration of ~~asthma~~ medication.

8 (a) In this Section:

9 "Medication" means a medicine, prescribed by (i) a
10 physician licensed to practice medicine in all its branches,
11 (ii) a physician assistant who has been delegated the authority
12 to prescribe asthma or allergy medications by his or her
13 supervising physician, or (iii) an advanced practice
14 registered nurse who has a written collaborative agreement with
15 a collaborating physician that delegates the authority to
16 prescribe asthma or allergy medications, for a pupil that
17 pertains to the pupil's asthma or allergies and that has an
18 individual prescription label.

19 "Self-administration" means a pupil's discretionary use of
20 his or her prescribed asthma or allergy medication.

21 (b) A school, whether public or nonpublic, must permit the
22 self-administration of medication by a pupil with asthma or
23 allergies, provided that:

24 (1) the parents or guardians of the pupil provide to
25 the school written authorization for the
26 self-administration of medication; and

27 (2) the parents or guardians of the pupil provide to
28 the school a written statement from the pupil's physician,
29 physician assistant, or advanced practice registered nurse
30 containing the following information:

31 (A) the name and purpose of the medication;

32 (B) the prescribed dosage; and

1 (C) the time or times at which or the special
2 circumstances under which the medication is to be
3 administered.

4 The information provided shall be kept on file in the office of
5 the school nurse or, in the absence of a school nurse, the
6 school's administrator.

7 (c) The school district or nonpublic school must inform the
8 parents or guardians of the pupil, in writing, that the school
9 district or nonpublic school and its employees and agents are
10 to incur no liability, except for willful and wanton conduct,
11 as a result of any injury arising from the self-administration
12 of medication by the pupil. The parents or guardians of the
13 pupil must sign a statement acknowledging that the school
14 district or nonpublic school is to incur no liability, except
15 for willful and wanton conduct, as a result of any injury
16 arising from the self-administration of medication by the pupil
17 and that the parents or guardians must indemnify and hold
18 harmless the school district or nonpublic school and its
19 employees and agents against any claims, except a claim based
20 on willful and wanton conduct, arising out of the
21 self-administration of medication by the pupil.

22 (d) The permission for self-administration of medication
23 is effective for the school year for which it is granted and
24 shall be renewed each subsequent school year upon fulfillment
25 of the requirements of this Section.

26 (e) Provided that the requirements of this Section are
27 fulfilled, a pupil with asthma or allergies may possess and use
28 his or her medication (i) while in school, (ii) while at a
29 school-sponsored activity, (iii) while under the supervision
30 of school personnel, or (iv) before or after normal school
31 activities, such as while in before-school or after-school care
32 on school-operated property.

33 (Source: P.A. 92-402, eff. 8-16-01.)

34 Section 90. The State Mandates Act is amended by adding
35 Section 8.30 as follows:

1 (30 ILCS 805/8.30 new)

2 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 94th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.