



Elementary Secondary Education Committee

**Filed: 3/11/2010**

09600HB5836ham001

LRB096 17765 NHT 38353 a

1 AMENDMENT TO HOUSE BILL 5836

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5836 by replacing  
3 everything after the enacting clause with the following:

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 medication.

8 (a) In this Section:

9 "Asthma inhaler" means a quick reliever asthma inhaler.

10 "Epinephrine auto-injector" means a medical device for  
11 immediate self-administration by a person at risk of  
12 anaphylaxis.

13 "Medication" means a medicine, prescribed by (i) a  
14 physician licensed to practice medicine in all its branches,  
15 (ii) a physician assistant who has been delegated the authority  
16 to prescribe asthma medications by his or her supervising

1 physician, or (iii) an advanced practice registered nurse who  
2 has a written collaborative agreement with a collaborating  
3 physician that delegates the authority to prescribe asthma  
4 medications, for a pupil that pertains to the pupil's asthma  
5 and that has an individual prescription label.

6 "Self-administration" means a pupil's discretionary use of  
7 and ability to carry his or her prescribed asthma medication.

8 (b) A school, whether public or nonpublic, must permit the  
9 self-administration of medication by a pupil with asthma or the  
10 use of an epinephrine auto-injector by a pupil, provided that:

11 (1) the parents or guardians of the pupil provide to  
12 the school written authorization for the  
13 self-administration of medication or use of an epinephrine  
14 auto-injector; and

15 (2) the parents or guardians of the pupil provide to  
16 the school (i) the prescription label, which must contain  
17 the name of the medication, the prescribed dosage, and the  
18 time at which or circumstances under which the medication  
19 is to be administered, or (ii) for use of an epinephrine  
20 auto-injector, a written statement from the pupil's  
21 physician, physician assistant, or advanced practice  
22 registered nurse containing the following information or  
23 containing a prescription label containing the following  
24 information, along with a written statement from the  
25 parents or guardians containing the following information:

26 (A) the name and purpose of the ~~medication or~~

1 epinephrine auto-injector;

2 (B) the prescribed dosage; and

3 (C) the time or times at which or the special  
4 circumstances under which the ~~medication~~ or  
5 epinephrine auto-injector is to be administered.

6 In the event that the pupil's physician, physician assistant,  
7 or advanced practice registered nurse determines that it is  
8 inappropriate for the pupil to self-administer his or her  
9 asthma inhaler, those instructions must be included in the  
10 prescribing information provided to the school under clause (2)  
11 of this subsection (b). The information provided shall be kept  
12 on file in the office of the school nurse or, in the absence of  
13 a school nurse, the school's administrator.

14 (c) The school district or nonpublic school must inform the  
15 parents or guardians of the pupil, in writing, that the school  
16 district or nonpublic school and its employees and agents are  
17 to incur no liability, except for willful and wanton conduct,  
18 as a result of any injury arising from the self-administration  
19 of medication or use of an epinephrine auto-injector by the  
20 pupil. The parents or guardians of the pupil must sign a  
21 statement acknowledging that the school district or nonpublic  
22 school is to incur no liability, except for willful and wanton  
23 conduct, as a result of any injury arising from the  
24 self-administration of medication or use of an epinephrine  
25 auto-injector by the pupil and that the parents or guardians  
26 must indemnify and hold harmless the school district or

1 nonpublic school and its employees and agents against any  
2 claims, except a claim based on willful and wanton conduct,  
3 arising out of the self-administration of medication or use of  
4 an epinephrine auto-injector by the pupil.

5 (d) The permission for self-administration of medication  
6 or use of an epinephrine auto-injector is effective for the  
7 school year for which it is granted and shall be renewed each  
8 subsequent school year upon fulfillment of the requirements of  
9 this Section.

10 (e) Provided that the requirements of this Section are  
11 fulfilled, a pupil with asthma may possess and use his or her  
12 medication or a pupil may possess and use an epinephrine  
13 auto-injector (i) while in school, (ii) while at a  
14 school-sponsored activity, (iii) while under the supervision  
15 of school personnel, or (iv) before or after normal school  
16 activities, such as while in before-school or after-school care  
17 on school-operated property.

18 (Source: P.A. 94-792, eff. 5-19-06.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."