

# SB3472



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3472

Introduced 2/10/2010, by Sen. Heather Steans

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30

Amends the School Code. Changes the conditions under which a pupil may self-administer his or her medication or epinephrine auto-injector. Provides that accommodations as provided in specified provisions shall be included in a pupil's Individualized Education Plan or Section 504 Plan under the federal Rehabilitation Act of 1973, whichever applies. Effective immediately.

LRB096 17665 NHT 33025 b

A BILL FOR

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 22-30 as follows:

6 (105 ILCS 5/22-30)

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

8 (a) In this Section:

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

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

21 "Self-administration" means a pupil's discretionary use of  
22 his or her prescribed asthma medication.

23 (b) A school, whether public or nonpublic, must permit the

1 self-administration of medication by a pupil with asthma ~~or the~~  
2 ~~use of an epinephrine auto-injector by a pupil~~, provided that:

3 (1) the parents or guardians of the pupil provide to  
4 the school written authorization for the  
5 self-administration of medication ~~or use of an epinephrine~~  
6 ~~auto-injector~~; and

7 (2) the parents or guardians of the pupil provide to  
8 the school a written statement from the pupil's physician,  
9 physician assistant, or advanced practice registered  
10 nurse, a copy of the prescription for the medication, or  
11 the prescription label included on the original packaging  
12 for the prescribed medication, which must contain  
13 ~~containing~~ the following information:

14 (A) the name and purpose of the medication ~~or~~  
15 ~~epinephrine auto-injector~~;

16 (B) the prescribed dosage; and

17 (C) the time or times at which or the special  
18 circumstances under which the medication ~~or~~  
19 ~~epinephrine auto-injector~~ is to be administered.

20 ~~The information provided shall be kept on file in the office of~~  
21 ~~the school nurse or, in the absence of a school nurse, the~~  
22 ~~school's administrator.~~

23 (b-5) A school, whether public or nonpublic, must permit  
24 the use of an epinephrine auto-injector by a pupil, provided  
25 that:

26 (1) the parents or guardians of the pupil provide to

1 the school written authorization for the use of an  
2 epinephrine auto-injector; and

3 (2) the parents or guardians of the pupil provide to  
4 the school a written statement from the pupil's physician,  
5 physician assistant, or advance practice registered nurse  
6 containing the following information:

7 (A) the name and purpose of the epinephrine  
8 auto-injector;

9 (B) the prescribed dosage; and

10 (C) the time or times at which or the special  
11 circumstances under which the epinephrine  
12 auto-injector is to be administered.

13 (b-10) In the event that the pupil's physician, physician  
14 assistant, or advanced practice registered nurse determines it  
15 is inappropriate for the pupil to self-administer his or her  
16 medication or epinephrine auto-injector, those instructions  
17 shall be included in the prescribing information required by  
18 item (2) of subsection (b) and item (2) of subsection (c) of  
19 this Section.

20 (b-15) The information provided under subsections (b),  
21 (b-5), and (b-10) of this Section shall be kept on file in the  
22 office of the school nurse or, in the absence of a school  
23 nurse, the school's administrator. Accommodations as provided  
24 in this Section shall be included in a pupil's Individualized  
25 Education Plan or Section 504 Plan under the federal  
26 Rehabilitation Act of 1973, whichever applies.

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

18 (d) The permission for self-administration of medication  
19 or use of an epinephrine auto-injector is effective for the  
20 school year for which it is granted and shall be renewed each  
21 subsequent school year upon fulfillment of the requirements of  
22 this Section.

23 (e) Provided that the requirements of this Section are  
24 fulfilled, a pupil with asthma may possess and use his or her  
25 medication or a pupil may possess and use an epinephrine  
26 auto-injector (i) while in school, (ii) while at a

1 school-sponsored activity, (iii) while under the supervision  
2 of school personnel, or (iv) before or after normal school  
3 activities, such as while in before-school or after-school care  
4 on school-operated property.

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

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