

1 AN ACT concerning schools.

2 WHEREAS, an estimated 5.3 million American children have
3 asthma; and

4 WHEREAS, Asthma is the leading serious chronic illness
5 among children and annually incurs a cost of \$ 3.2 billion in
6 treating this young population; and

7 WHEREAS, Asthma accounts for 10 million lost school days
8 each year in the United States and is the leading cause of
9 school absenteeism attributed to chronic conditions; and

10 WHEREAS, Asthma is the third-ranking cause of
11 hospitalization among children under the age of 15 years and
12 accounts for almost one in 6 of all pediatric emergency room
13 visits; and

14 WHEREAS, There are more than 5,400 deaths from asthma in
15 this country each year; and

16 WHEREAS, Known asthma triggers range from viral
17 infections to allergies to irritating gases and particles in
18 the air; and

19 WHEREAS, An estimated 200,000 U.S. children with asthma
20 have their condition worsened by exposure to second-hand
21 smoke; and

22 WHEREAS, Resulting asthma attacks in children can be
23 severe; the child may become breathless and have difficulty
24 talking; and

25 WHEREAS, Children with asthma are taught by their

1 physician or other State-licensed health care provider to
2 take medication to prevent an attack or to help them if an
3 attack occurs; and

4 WHEREAS, A child's asthma can be managed by both
5 treatment and medication; and

6 WHEREAS, Elementary and secondary school students with
7 asthma should have unobstructed access to their asthma
8 medication; therefore

9 Be it enacted by the People of the State of Illinois,
10 represented in the General Assembly:

11 Section 5. The School Code is amended by adding Sections
12 10-20.35 and 34-18.22 as follows:

13 (105 ILCS 5/10-20.35 new)

14 Sec. 10-20.35. Self-administration of asthma medication.

15 (a) In this Section:

16 "Medication" means a medicine prescribed by a physician
17 or other State-licensed health care provider for a pupil that
18 pertains to the pupil's asthma and that has an individual
19 prescription label.

20 "Self-administration" means a pupil's discretionary use
21 of his or her medication pursuant to prescription or written
22 direction from a physician or other State-licensed health
23 care provider.

24 (b) A school board must permit the self-administration
25 of medication by a pupil with asthma, provided that (i) the
26 parents or guardians of the pupil provide to the school or
27 school board written authorization for the
28 self-administration of medication and (ii) the parents or
29 guardians of the pupil provide to the school board written

1 certification from the pupil's physician or other
2 State-licensed health care provider that the pupil has asthma
3 and is capable of self-administration of medication. In
4 addition, the physician or health care provider must supply
5 all of the following information to the school board:

6 (1) The name and purpose of the medication.

7 (2) The prescribed dosage.

8 (3) The time or times at which or the special
9 circumstances under which the medication is to be
10 administered.

11 (4) The length of time for which the medication is
12 prescribed.

13 (5) The possible side effects of the medication.

14 This information shall be kept on file in the office of the
15 school nurse or, in the absence of a school nurse, the
16 school's administrator.

17 (c) The school board must inform the parents or
18 guardians of the pupil, in writing, that the school district
19 and its employees and agents are to incur no liability as a
20 result of any injury arising from the self-administration of
21 medication by the pupil. The parents or guardians of the
22 pupil must sign a statement acknowledging that the school
23 district is to incur no liability as a result of any injury
24 arising from the self-administration of medication by the
25 pupil and that the parents or guardians must indemnify and
26 hold harmless the district and its employees and agents
27 against any claims arising out of the self-administration of
28 medication by the pupil.

29 (d) The permission for self-administration of medication
30 is effective for the school year for which it is granted and
31 shall be renewed each subsequent school year upon fulfillment
32 of the requirements of this Section.

33 (e) Provided that the requirements of this Section are
34 fulfilled, a pupil with asthma may possess and use his or her

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

6 (105 ILCS 5/34-18.22 new)

7 Sec. 34-18.22. Self-administration of asthma medication.

8 (a) In this Section:

9 "Medication" means a medicine prescribed by a physician
10 or other State-licensed health care provider for a pupil that
11 pertains to the pupil's asthma and that has an individual
12 prescription label.

13 "Self-administration" means a pupil's discretionary use
14 of his or her medication pursuant to prescription or written
15 direction from a physician or other State-licensed health
16 care provider.

17 (b) The board must permit the self-administration of
18 medication by a pupil with asthma, provided that (i) the
19 parents or guardians of the pupil provide to the school or
20 board written authorization for the self-administration of
21 medication and (ii) the parents or guardians of the pupil
22 provide to the board written certification from the pupil's
23 physician or other State-licensed health care provider that
24 the pupil has asthma and is capable of self-administration of
25 medication. In addition, the physician or health care
26 provider must supply all of the following information to the
27 board:

28 (1) The name and purpose of the medication.

29 (2) The prescribed dosage.

30 (3) The time or times at which or the special
31 circumstances under which the medication is to be
32 administered.

33 (4) The length of time for which the medication is

1 prescribed.

2 (5) The possible side effects of the medication.
3 This information shall be kept on file in the office of the
4 school nurse or, in the absence of a school nurse, the
5 school's administrator.

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

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

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

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.