

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1113 Session of
2003

INTRODUCED BY WEBER, ARMSTRONG, BELFANTI, BROWNE, BUNT,
CAPPELLI, CIVERA, CLYMER, CORNELL, CRAHALLA, CREIGHTON,
D. EVANS, FABRIZIO, FRANKEL, GEIST, HENNESSEY, HERMAN, JAMES,
KOTIK, MARKOSEK, McILHATTAN, R. MILLER, O'NEILL, PAYNE,
PHILLIPS, PICKETT, REICHLEY, ROSS, SAYLOR, SCHRODER,
B. SMITH, T. STEVENSON, WASHINGTON, WILT, YOUNGBLOOD, LEWIS,
HARPER, MCGEEHAN, THOMAS AND HORSEY, APRIL 9, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 23, 2003

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," directing school districts to
6 establish policies regarding student possession and self-
7 administration of certain asthma medications.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1401 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding a clause to read:

13 Section 1401. Definitions.--As used in this article--

14 * * *

15 (12) "Asthma inhaler" means a physician-prescribed device
16 used for self-administration of physician-prescribed medication
17 to treat asthma.

Section 2. The act is amended by adding a section to read:

Section 1414.1. Possession and Use of Asthma Inhalers.--(a)

Each school entity shall develop a written policy to allow for the possession and self-administration by a school student of an asthma inhaler and the prescribed medication to be administered thereby in a school setting. ~~Such policy may include, but not be limited to, the following:~~

(B) THE POLICY UNDER THIS SECTION SHALL INCLUDE A REQUIREMENT THAT A STUDENT DEMONSTRATE THE CAPABILITY FOR SELF-ADMINISTRATION AND FOR RESPONSIBLE BEHAVIOR. THE SCHOOL ENTITY SHALL DEVELOP A SYSTEM WHEREBY THE STUDENT WILL VERIFY TO THE CERTIFIED SCHOOL NURSE THAT THE STUDENT IS CAPABLE OF SELF-ADMINISTRATION AND HAS PERMISSION FOR CARRYING AND TAKING THE MEDICATION THROUGH THE USE OF THE ASTHMA INHALER. THE SCHOOL ENTITY SHALL ALSO RESTRICT THE AVAILABILITY OF THE ASTHMA INHALER AND THE PRESCRIBED MEDICATION CONTAINED THEREIN FROM OTHER STUDENTS, WITH IMMEDIATE CONFISCATION OF BOTH THE ASTHMA INHALER AND THE MEDICATION AND LOSS OF PRIVILEGES IF THE SCHOOL POLICIES ARE ABUSED OR IGNORED.

(C) THE POLICY UNDER THIS SECTION MAY INCLUDE THE FOLLOWING:

(1) The requirement of a written statement from the physician that provides the name of the drug, the dose, the times when the medication is to be taken, and the diagnosis or reason the medicine is needed, unless the reason should remain confidential. The physician shall indicate the potential of any serious reaction that may occur to the medication, as well as any necessary emergency response. The physician shall state whether the child is qualified and able to self-administer the medication.

(2) The requirement of a written request from the parent or

1 guardian that the school entity comply with the physician's
2 order. The parent's note shall include a statement relieving the
3 school entity or any school employe of any responsibility for
4 the benefits or consequences of the medication when it is
5 parent-authorized and physician-prescribed and acknowledging
6 that the school entity bears no responsibility for ensuring that
7 the medication is taken.

8 (3) The ability of the school entity to reserve the right to
9 require a physician statement for the continued use of any
10 medication beyond a specified time period. The school entity <—
11 shall also restrict the availability of the asthma inhaler and
12 the prescribed medication contained therein from other students,
13 with immediate confiscation of both the asthma inhaler and the
14 medication and loss of privileges if the school policies are
15 abused or ignored.

16 (4) A requirement that a student demonstrate the capability
17 for self administration and for responsible behavior. The school
18 entity shall develop a system whereby the student will verify to
19 the certified school nurse that the student is capable of self-
20 administration and has permission for carrying and taking the
21 medication through the use of the asthma inhaler.

22 (b) (D) As used in this section, "school entity" means a <—
23 school district, intermediate unit or area vocational-technical
24 school.

25 Section 3. This act shall take effect in 60 days.