

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 731 Session of  
2007

INTRODUCED BY ORIE, CORMAN, RHOADES, WASHINGTON, PICCOLA,  
TOMLINSON, PILEGGI, FONTANA, MUSTO, LOGAN, FOLMER, KITCHEN,  
BOSCOLA, COSTA, EARLL, C. WILLIAMS, BAKER, BRUBAKER AND  
BROWNE, APRIL 9, 2007

AS AMENDED ON SECOND CONSIDERATION, MAY 5, 2008

## 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," further providing for possession and  
6 use of asthma inhalers AND EPINEPHRINE AUTO-INJECTORS. <—

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

9 Section 1. Section 1414.1 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, added  
11 November 30, 2004 (P.L.1471, No.187), is amended to read:

12 Section 1414.1. Possession and Use of Asthma Inhalers and  
13 Epinephrine Auto-Injectors.--(a) Each school entity shall  
14 develop a written policy to allow for the possession and self-  
15 administration by children of school age of [an] asthma  
16 [inhaler] inhalers and epinephrine auto-injectors, and the  
17 prescribed medication to be administered thereby, in a school  
18 setting. The policy shall be distributed with the code of  
19 student conduct required under 22 Pa. Code § 12.3(c) (relating

1 to school rules) and made available on the school entity's  
2 publicly accessible Internet website, if any.

3 (b) The policy under this section shall require a child of  
4 school age that desires to possess and self-administer an asthma  
5 inhaler or epinephrine auto-injector in a school setting to  
6 demonstrate the capability for self-administration and for  
7 responsible behavior in the use thereof and to notify the school  
8 nurse immediately following each use of an asthma inhaler or  
9 epinephrine auto-injector. The school entity shall develop a  
10 system whereby the child may verify to the school nurse that the  
11 child is capable of self-administration and has permission for  
12 carrying and taking the medication through the use of the asthma  
13 inhaler or epinephrine auto-injector. The school entity shall  
14 also restrict the availability of the asthma inhaler, the  
15 epinephrine auto-injector and the prescribed medication  
16 contained therein from other children of school age.[, with  
17 immediate confiscation of both] The policy shall specify  
18 conditions under which a student may lose the privilege to self-  
19 carry the asthma inhaler, the epinephrine auto-injector and the  
20 medication [and loss of privileges] if the school policies are  
21 abused or ignored.

22 (c) The policy under this section may include the following:

23 (1) The requirement of a written statement from the  
24 physician, certified registered nurse practitioner or physician  
25 assistant that provides the name of the drug, the dose, the  
26 times when the medication is to be taken and the diagnosis or  
27 reason the medicine is needed unless the reason should remain  
28 confidential. The physician, certified registered nurse  
29 practitioner or physician assistant shall indicate the potential  
30 of any serious reaction that may occur to the medication, as

1 well as any necessary emergency response. The physician,  
2 certified registered nurse practitioner or physician assistant  
3 shall state whether the child is qualified and able to self-  
4 administer the medication.

5 (2) The requirement of a written request from the parent or  
6 guardian that the school entity comply with the order of the  
7 physician, certified registered nurse practitioner or physician  
8 assistant. The parent's note shall include a statement relieving  
9 the school entity or any school employe of any responsibility  
10 for the benefits or consequences of the prescribed medication  
11 when it is parent-authorized and acknowledging that the school  
12 entity bears no responsibility for ensuring that the medication  
13 is taken.

14 (3) The ability of the school entity to reserve the right to  
15 require a statement from the physician, certified registered  
16 nurse practitioner or physician assistant for the continued use  
17 of any medication beyond a specified time period. The school  
18 entity may also require updated prescriptions and parental  
19 approvals on an annual basis from the pupil.

20 (4) The school entity shall have the right to prevent a  
21 student from self-carrying an epinephrine auto-injector if the  
22 student is under eleven (11) years of age.

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

25 (e) Nothing in this section shall be construed to create,  
26 establish or expand any civil liability on the part of any  
27 school entity or school employe.

28 Section 2. This act shall take effect in 60 days.