

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, HORSEY AND BENNINGHOFF,
APRIL 9, 2003

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED,
OCTOBER 6, 2004

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~~ <—

16 PRESCRIBED device used for self-administration of ~~physician~~ <—

1 ~~prescribed~~ SHORT-ACTING, METERED DOSES OF PRESCRIBED medication <—
2 to treat ~~asthma~~ AN ACUTE ASTHMA ATTACK. <—

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

4 Section 1414.1. Possession and Use of Asthma Inhalers.--(a)
5 Each school entity shall develop a written policy to allow for
6 the possession and self-administration by a ~~school student~~ <—
7 CHILDREN OF SCHOOL AGE of an asthma inhaler and the prescribed <—
8 medication to be administered thereby in a school setting.

9 (b) The policy under this section shall ~~include a~~ <—
10 ~~requirement that a student demonstrate the capability for self-~~
11 ~~administration and for responsible behavior. The school entity~~
12 ~~shall develop a system whereby the student will verify to the~~
13 ~~certified school nurse that the student is capable of self-~~
14 ~~administration~~ REQUIRE A CHILD OF SCHOOL AGE THAT DESIRES TO <—
15 POSSESS AND SELF-ADMINISTER AN ASTHMA INHALER IN A SCHOOL
16 SETTING TO DEMONSTRATE THE CAPABILITY FOR SELF-ADMINISTRATION
17 AND FOR RESPONSIBLE BEHAVIOR IN THE USE THEREOF AND TO NOTIFY
18 THE SCHOOL NURSE IMMEDIATELY FOLLOWING EACH USE OF AN ASTHMA
19 INHALER. THE SCHOOL ENTITY SHALL DEVELOP A SYSTEM WHEREBY THE
20 CHILD MAY VERIFY TO THE SCHOOL NURSE THAT THE CHILD IS CAPABLE
21 OF SELF-ADMINISTRATION and has permission for carrying and
22 taking the medication through the use of the asthma inhaler. The
23 school entity shall also restrict the availability of the asthma
24 inhaler and the prescribed medication contained therein from
25 other ~~students~~ CHILDREN OF SCHOOL AGE, with immediate <—
26 confiscation of both the asthma inhaler and the medication and
27 loss of privileges if the school policies are abused or ignored.

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

29 (1) The requirement of a written statement from the
30 physician, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN <—

ASSISTANT 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, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT shall indicate the potential of any serious reaction that may occur to the medication, as well as any necessary emergency response. The physician, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT 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 guardian that the school entity comply with the ~~physician's~~ order OF THE PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT. The parent's note shall include a statement relieving the school entity or any school employe of any responsibility for the benefits or consequences of the PRESCRIBED medication when it is parent-authorized and ~~physician-prescribed~~ and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken.

(3) The ability of the school entity to reserve the right to require a ~~physician statement~~ STATEMENT FROM THE PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT for the continued use of any medication beyond a specified time period.

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

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