

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.