

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 19

Session of  
2001

INTRODUCED BY L. I. COHEN, BASTIAN, BENNINGHOFF, BUXTON,  
CAPPELLI, CIVERA, M. COHEN, COLAFELLA, COSTA, CRUZ, DERMODY,  
FAIRCHILD, FEESE, FICHTER, FRANKEL, FREEMAN, GABIG, GEIST,  
GEORGE, GRUCELA, HENNESSEY, HERMAN, HORSEY, JOSEPHS,  
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SATHER, SAYLOR, SCHRODER, SHANER, B. SMITH, SOLOBAY, STABACK,  
STERN, T. STEVENSON, STRITTMATTER, THOMAS, TIGUE, TRELLO,  
WALKO, C. WILLIAMS, YEWCIC, YOUNGBLOOD, BARRAR, HESS, JAMES,  
WASHINGTON, STEELMAN, MACKERETH AND CURRY, FEBRUARY 5, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 11, 2002

## 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 continuing  
6 professional development; and directing school districts to  
7 establish policies regarding student possession and self-  
8 administration of certain asthma medications.

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

11 Section 1. Section 1205.1 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, is  
13 amended by adding a subsection to read:

14 Section 1205.1. Continuing Professional Development.--\* \* \*

15 (f) The requirements of this section and section 1205.2 do  
16 not apply to a properly qualified private tutor in a program

1 authorized under section 1327(a).

2 Section 2. Section 1401 of the act is amended by adding a  
3 definition to read:

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

5 \* \* \*

6 (12) "Asthma inhaler" means a physician-prescribed device  
7 used for self-administration of physician-prescribed medication  
8 to treat asthma.

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

10 Section 1414.1. Possession and Use of Asthma Inhalers. <—  
11 ~~Every school district and area vocational technical school~~  
12 INHALERS.--(A) EACH SCHOOL ENTITY shall develop a written <—  
13 policy to allow for the possession and self-administration by a  
14 school student of an asthma inhaler and the prescribed  
15 medication to be administered thereby in a school setting. Such  
16 policy may include, but not be limited to, the following:

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

26 (2) The requirement of a written request from the parent or  
27 guardian that the school ~~district~~ ENTITY comply with the <—  
28 physician's order. The parent's note shall include a statement  
29 relieving the school ENTITY or any school employe of any <—  
30 responsibility for the benefits or consequences of the

1 medication when it is parent-authorized and physician-prescribed  
2 and acknowledging that the school ENTITY bears no responsibility <—  
3 for ensuring that the medication is taken.

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

12 (4) A requirement that a student demonstrate the capability  
13 for self-administration and for responsible behavior. The school  
14 ENTITY shall develop a system whereby the student will verify to <—  
15 the certified school nurse that the student is capable of self-  
16 administration and has permission for carrying and taking the  
17 medication through the use of the asthma inhaler.

18 (B) AS USED IN THIS SECTION, "SCHOOL ENTITY" MEANS A SCHOOL <—  
19 DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

20 Section 4. This act shall take effect in 60 days.