

1 HB423

2 89586-5

3 By Representatives Boyd, Bandy, Mitchell, Thomas (J), Johnson,
4 McClendon, Salaam, England, Hinshaw, McClammy, McCampbell,
5 Thomas (E), Hurst, Guin, Faust, Beck, Dunn, Clouse, Buskey,
6 Howard, Gordon, Ison, Gaston, Love, Boothe, Barton, Robinson
7 (O), Vance, Jackson and Shiver

8 RFD: Education Policy

9 First Read: 20-MAR-07



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ENROLLED, An Act,

To amend Section 16-1-39, relating to the self-administration of asthma medication by public and nonpublic K-12 school students; to authorize the self-administration of additional medications in compliance with State Department of Education and Board of Nursing Medication Curriculum commencing with the 2007-2008 school year; and to specifically prohibit the possession of a controlled substance on school property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-39, Code of Alabama 1975, is amended to read as follows:

"§16-1-39.

"(a) Each Commencing with the 2007-2008 scholastic year, each local board of education and the governing body of each nonpublic school in the state shall permit the self-administration of ~~asthma~~ medications by a student for chronic conditions if conducted in compliance with the State Department of Education and State Board of Nursing Medication Curriculum, as may be amended from time to time by the department and board. Approved medications may be self-administered if the parent or legal guardian of the student provides all of the information outlined in the

1 Medication Curriculum, including, but not limited to, all of
2 the following:

3 "(1) Written and signed authorization for the
4 self-administration to the chief executive officer of the
5 school.

6 "(2) Written and signed acknowledgement that the
7 school shall incur no liability and that the parent or legal
8 guardian shall indemnify and hold harmless the school and the
9 employees and agents of the school against any claims that may
10 arise relating to the self-administration of ~~asthma~~ approved
11 medications.

12 "(3) Written medical authorization that includes all
13 of the following:

14 "a. The signature of the attending physician, or his
15 or her authorized agent.

16 "b. Confirmation that the student has been
17 instructed in the proper self-administration of the ~~asthma~~
18 approved medication.

19 "c. The name, purpose, and prescribed dosage of the
20 medications to be self-administered.

21 "d. The frequency with which the prescribed
22 medications are to be administered.

23 "e. Any special instructions or circumstances under
24 which the medications should be administered.

1 "f. The length of time for which the medications are
2 prescribed.

3 "(b) All documents provided to a school pursuant to
4 subsection (a) shall be kept on file in the office of the
5 school nurse or chief executive officer of the school.

6 "(c) The local board of education or the governing
7 body of the nonpublic school shall incur no liability and is
8 immune from any liability exposure created by this section.

9 "(d) Permission for the self-administration of
10 ~~asthma~~ approved medications shall only be effective for the
11 school year in which permission is granted. Permission for
12 self-administration of ~~asthma~~ approved medications may be
13 granted in subsequent years provided all requirements of this
14 section are satisfied.

15 "(e) Upon obtaining permission to self-administer
16 ~~asthma~~ approved medications pursuant to this section, a
17 student shall be permitted to possess and self-administer
18 approved ~~asthma~~ medications, according to the orders of the
19 prescriber, at any time while on school property or while
20 attending a school-sponsored activity event.

21 "(f) Nothing in this section shall be interpreted as
22 permitting a student to possess a controlled substance, as
23 defined in the Medication Curriculum, on school property."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Robert H. Just

Speaker of the House of Representatives

Jim Johnson

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-APR-07, as amended.

Greg Pappas
Clerk

Senate

07-JUN-07

Passed

APPROVED June 14, 2007
TIME 2:28 p.m.
Bob Riley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2007-463
Bill Num....: H-423