HB423

89586-5

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

RFD: Education Policy

First Read: 20-MAR-07
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
Medication Curriculum, including, but not limited to, all of
the following:

'(1) Written and signed authorization for the
self-administration to the chief executive officer of the
school.

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

'(3) Written medical authorization that includes all
of the following:

'a. The signature of the attending physician, or his
or her authorized agent.

'b. Confirmation that the student has been
instructed in the proper self-administration of the asthma
approved medication.

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

'd. The frequency with which the prescribed
medications are to be administered.

'e. Any special instructions or circumstances under
which the medications should be administered.
"f. The length of time for which the medications are prescribed.

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

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

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

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

"(f) Nothing in this section shall be interpreted as permitting a student to possess a controlled substance, as defined in the Medication Curriculum, on school property."
Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
HB423

Speaker of the House of Representatives

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
Recvd 06/14/07 04:09pmJJB