

**CS FOR HOUSE BILL NO. 85(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/18/05

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES MEYER, Seaton, McGuire

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to self-administration and documentation of certain types of**  
2 **medication prescribed to a child attending school."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 14.30 is amended by adding a new section to read:

5 **Article 2A. Pupil Health.**

6 **Sec. 14.30.141. Self-administration and documentation of medication. (a)**

7 A school shall permit the self-administration of medication by a pupil for asthma or  
8 anaphylaxis if, during the current school year, the pupil's parent or guardian provides  
9 the school

10 (1) written authorization for the self-administration of the medication;

11 (2) written certification from the pupil's health care provider that the  
12 pupil

13 (A) has asthma or a condition that may lead to anaphylaxis;

14 (B) has received instruction in the proper method of self-

1 administration of the medication; and

2 (C) has demonstrated to the health care provider the skill level  
3 necessary to use the medication and any device that is necessary to administer  
4 the medication as prescribed;

5 (3) a release of liability for the school and its employees or agents for  
6 injury arising from the self-administration of the medication;

7 (4) an agreement to indemnify and hold harmless the school and its  
8 employees or agents for any claims arising out the self-administration of the  
9 medication;

10 (5) a written treatment plan for the pupil for managing asthma or  
11 anaphylaxis episodes and a list and dosage of medications needed during school hours  
12 that is signed by the pupil's health care provider; and

13 (6) any other documentation required by the school that is consistent  
14 with this section.

15 (b) The school shall provide written notification to the pupil's parent or  
16 guardian of the school's absence of liability related to the self-administration of  
17 medication under this section.

18 (c) A pupil who is permitted to self-administer medication under this section  
19 shall be permitted to carry an inhaler or autoinjectable epinephrine, or both, at all  
20 times as long as the pupil does not endanger any person through the misuse of the  
21 inhaler. Misuse of an inhaler includes exceeding the prescribed dosage of the  
22 medication. An inhaler includes metered-dose, breath-activated, and dry powder  
23 inhalers, and spacers and holding chambers.

24 (d) The school may confiscate a self-administered medication if a pupil  
25 misuses the medication.

26 (e) In this section, "health care provider" means a licensed physician,  
27 advanced nurse practitioner, physician assistant, village health aide, or public health  
28 nurse.