



Sen. Laura M. Murphy

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10100SB1250sam001

LRB101 08388 AXK 57129 a

1 AMENDMENT TO SENATE BILL 1250

2 AMENDMENT NO. _____. Amend Senate Bill 1250 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 10-22.21b and by adding Section 34-18.61 as follows:

6 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)
7 Sec. 10-22.21b. Administering medication.

8 (a) In this Section, "asthma action plan" has the meaning
9 given to that term under Section 22-30.

10 (b) To provide for the administration of medication to
11 students. It shall be the policy of the State of Illinois that
12 the administration of medication to students during regular
13 school hours and during school-related activities should be
14 discouraged unless absolutely necessary for the critical
15 health and well-being of the student. Under no circumstances
16 shall teachers or other non-administrative school employees,

1 except certified school nurses and non-certificated registered
2 professional nurses, be required to administer medication to
3 students. This Section shall not prohibit a school district
4 from adopting guidelines for self-administration of medication
5 by students that are consistent with this Section and this
6 Code. This Section shall not prohibit any school employee from
7 providing emergency assistance to students.

8 (c) Notwithstanding any other provision of law, a school
9 district must allow any student with an asthma action plan, an
10 Individual Health Care Action Plan, an Illinois Food Allergy
11 Emergency Action Plan and Treatment Authorization Form, a plan
12 pursuant to Section 504 of the federal Rehabilitation Act of
13 1973, or a plan pursuant to the federal Individuals with
14 Disabilities Education Act to self-administer any medication
15 required under those plans if the student's parent or guardian
16 provides the school district with (i) written permission for
17 the student's self-administration of medication and (ii)
18 written authorization from the student's physician, physician
19 assistant, or advanced practice registered nurse for the
20 student to self-administer the medication. A parent or guardian
21 must also provide to the school district the prescription label
22 for the medication, which must contain the name of the
23 medication, the prescribed dosage, and the time or times at
24 which or the circumstances under which the medication is to be
25 administered. Information received by a school district under
26 this subsection shall be kept on file in the office of the

1 school nurse or, in the absence of a school nurse, the school's
2 administrator.

3 (d) Each school district must adopt an emergency action
4 plan for a student who self-administers medication under
5 subsection (c). The plan must include both of the following:

6 (1) A plan of action in the event a student is unable
7 to self-administer medication.

8 (2) The situations in which a school must call 9-1-1.

9 (e) A school district and its employees and agents shall
10 incur no liability, except for willful and wanton conduct, as a
11 result of any injury arising from the self-administration of
12 medication by a student under subsection (c). The student's
13 parent or guardian must sign a statement to this effect, which
14 must acknowledge that the parent or guardian must indemnify and
15 hold harmless the school district and its employees and agents
16 against any claims, except a claim based on willful and wanton
17 conduct, arising out of the self-administration of medication
18 by a student.

19 (Source: P.A. 91-719, eff. 6-2-00.)

20 (105 ILCS 5/34-18.61 new)

21 Sec. 34-18.61. Self-administrating medication.

22 (a) In this Section, "asthma action plan" has the meaning
23 given to that term under Section 22-30.

24 (b) Notwithstanding any other provision of law, the school
25 district must allow any student with an asthma action plan, an

1 Individual Health Care Action Plan, an Illinois Food Allergy
2 Emergency Action Plan and Treatment Authorization Form, a plan
3 pursuant to Section 504 of the federal Rehabilitation Act of
4 1973, or a plan pursuant to the federal Individuals with
5 Disabilities Education Act to self-administer any medication
6 required under those plans if the student's parent or guardian
7 provides the school district with (i) written permission for
8 the student's self-administration of medication and (ii)
9 written authorization from the student's physician, physician
10 assistant, or advanced practice registered nurse for the
11 student to self-administer the medication. A parent or guardian
12 must also provide to the school district the prescription label
13 for the medication, which must contain the name of the
14 medication, the prescribed dosage, and the time or times at
15 which or the circumstances under which the medication is to be
16 administered. Information received by the school district
17 under this subsection shall be kept on file in the office of
18 the school nurse or, in the absence of a school nurse, the
19 school's administrator.

20 (c) The school district must adopt an emergency action plan
21 for a student who self-administers medication under subsection

22 (b). The plan must include both of the following:

23 (1) A plan of action in the event a student is unable
24 to self-administer medication.

25 (2) The situations in which a school must call 9-1-1.

26 (d) The school district and its employees and agents shall

1 incur no liability, except for willful and wanton conduct, as a
2 result of any injury arising from the self-administration of
3 medication by a student under subsection (b). The student's
4 parent or guardian must sign a statement to this effect, which
5 must acknowledge that the parent or guardian must indemnify and
6 hold harmless the school district and its employees and agents
7 against any claims, except a claim based on willful and wanton
8 conduct, arising out of the self-administration of medication
9 by a student."