



Sen. Laura M. Murphy

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10300HB2949sam001

LRB103 27415 LNS 62397 a

1 AMENDMENT TO HOUSE BILL 2949

2 AMENDMENT NO. _____. Amend House Bill 2949 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Asthma Inhalers at Recreational Camps Act
5 is amended by changing Sections 1, 5, and 10 as follows:

6 (410 ILCS 607/1)

7 Sec. 1. Short title. This Act may be cited as the Emergency
8 Asthma Inhalers and Allergy Treatment for Children ~~at~~
9 ~~Recreational Camps~~ Act.

10 (Source: P.A. 94-670, eff. 8-23-05.)

11 (410 ILCS 607/5)

12 Sec. 5. Definitions. In this Act:

13 "After-school care program" means an after-school care
14 program operated by a park district or any nonprofit entity.

15 "Recreational camp" means any place set apart for

1 recreational purposes for boys and girls. "Recreational camp"
2 shall not apply to private camps owned or leased for
3 individual or family use, or to any camp operated for a period
4 of less than 10 days in a year.

5 (Source: P.A. 94-670, eff. 8-23-05.)

6 (410 ILCS 607/10)

7 Sec. 10. Possession, self-administration, and use of
8 epinephrine auto-injectors or inhalers at recreation camps and
9 after-school care programs.

10 (a) A recreation camp or an after-school care program
11 shall permit a child with severe, potentially life-threatening
12 allergies to possess, self-administer, and use an epinephrine
13 auto-injector or inhaler, if the following conditions are
14 satisfied:

15 (1) The child has the written approval of his or her
16 parent or guardian.

17 (2) The recreational camp or after-school care program
18 administrator or, if a nurse is assigned to the camp or
19 program, the nurse shall receive copies of the written
20 approvals required under paragraph (1) of subsection (a)
21 of this Section.

22 (3) The child's parent or guardian shall submit
23 written verification confirming that the child has the
24 knowledge and skills to safely possess, self-administer,
25 and use an epinephrine auto-injector or inhaler in a camp

1 or an after-school care program setting.

2 (b) The child's parent or guardian shall provide the camp
3 or program with the following information:

4 (1) the child's name;

5 (2) the name, route, and dosage of medication;

6 (3) the frequency and time of medication
7 administration or assistance;

8 (4) the date of the order;

9 (5) a diagnosis and any other medical conditions
10 requiring medications, if not a violation of
11 confidentiality or if not contrary to the request of the
12 parent or guardian to keep confidential;

13 (6) specific recommendations for administration;

14 (7) any special side effects, contraindications, and
15 adverse reactions to be observed;

16 (8) the name of each required medication; and

17 (9) any severe adverse reactions that may occur to
18 another child, for whom the epinephrine auto-injector or
19 inhaler is not prescribed, should the other child receive
20 a dose of the medication.

21 (c) If the conditions of this Act are satisfied, the child
22 may possess, self-administer, and use an epinephrine
23 auto-injector or inhaler at the camp or after-school care
24 program or at any camp-sponsored or program-sponsored
25 activity, event, or program.

26 (d) The recreational camp or after-school care program

1 must inform the parents or guardians of the child, in writing,
2 that the recreational camp or after-school care program and
3 its employees and agents are to incur no liability, as
4 applicable, except for willful and wanton conduct, as a result
5 of any injury arising from the self-administration of
6 medication to the child. The parents or guardians of the child
7 must sign a statement acknowledging that the recreational camp
8 or after-school care program is to incur no liability, except
9 for willful and wanton conduct, as a result of any injury
10 arising from the self-administration of medication by the
11 child and that the parents or guardians must indemnify and
12 hold harmless the recreational camp or after-school care
13 program and its employees and agents, as applicable, against
14 any claims, except a claim based on willful and wanton
15 conduct, arising out of the self-administration of medication
16 by the child.

17 (e) After-school care program personnel who have completed
18 an anaphylaxis training program as identified under the
19 Epinephrine Injector Act may administer an undesignated
20 epinephrine injection to any child if the after-school care
21 program personnel believe in good faith that the child is
22 having an anaphylactic reaction while in the after-school care
23 program. After-school care program personnel may carry
24 undesignated epinephrine injectors on their person while in
25 the after-school care program.

26 (f) After-school care program personnel may administer

1 undesignated asthma medication to any child if the
2 after-school care program personnel believe in good faith that
3 the child is experiencing respiratory distress while in the
4 after-school care program. After-school care program personnel
5 may carry undesignated asthma medication on their person while
6 in the after-school care program.

7 (g) If after-school care program personnel are to
8 administer an undesignated epinephrine injection or an
9 undesignated asthma medication to a child, the after-school
10 care program personnel must inform the parents or guardians of
11 the child, in writing, that the after-school care program and
12 its employees and agents, acting in accordance with standard
13 protocols and the prescription for the injection or
14 medication, shall incur no liability, except for willful and
15 wanton conduct, as a result of any injury arising from the
16 administration of the injection or medication, notwithstanding
17 whether authorization was given by the child's parents or
18 guardians or by the child's physician, physician assistant, or
19 advanced practice registered nurse. A parent or guardian of
20 the child must sign a statement acknowledging that the
21 after-school care program and its employees and agents are to
22 incur no liability, except for willful and wanton conduct, as
23 a result of any injury arising from the administration of the
24 medication or injection, regardless of whether authorization
25 was given by a parent or guardian of the child or by the
26 child's physician, physician assistant, or advanced practice

1 registered nurse, and that the parent or guardian must also
2 indemnify and hold harmless the after-school care program and
3 its employees and agents against any claims, except a claim
4 based on willful and wanton conduct, arising out of the
5 administration of the medication or injection, regardless of
6 whether authorization was given by the child's parent or
7 guardian or by the child's physician, physician assistant, or
8 advanced practice registered nurse.

9 (h) If after-school care program personnel administer an
10 undesigned epinephrine injection to a person and the
11 after-school care program personnel believe in good faith the
12 person is having an anaphylactic reaction or administer
13 undesigned asthma medication to a person and believe in good
14 faith the person is experiencing respiratory distress, then
15 the after-school care program and its employees and agents,
16 acting in accordance with standard protocols and the
17 prescription for the injection or medication, shall not incur
18 any liability or be subject to professional discipline, except
19 for willful and wanton conduct, as a result of any injury
20 arising from the use of the injection or medication,
21 notwithstanding whether notice was given to or authorization
22 was given by the child's parent or guardian or by the child's
23 physician, physician assistant, or advanced practice
24 registered nurse and notwithstanding the absence of the
25 parent's or guardian's signed statement acknowledging release
26 from liability.

1 (i) The changes made to this Section by this amendatory
2 Act of the 103rd General Assembly apply to actions filed on or
3 after the effective date of this amendatory Act of the 103rd
4 General Assembly.

5 (Source: P.A. 94-670, eff. 8-23-05.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".