

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration of ~~asthma~~ medication.

8 (a) In this Section:

9 "Epinephrine auto-injector" means a disposable single-use  
10 medical device for immediate self-administration by a person  
11 with a history of anaphylaxis.

12 "Medication" means a medicine, prescribed by (i) a  
13 physician licensed to practice medicine in all its branches,  
14 (ii) a physician assistant who has been delegated the authority  
15 to prescribe asthma medications by his or her supervising  
16 physician, or (iii) an advanced practice registered nurse who  
17 has a written collaborative agreement with a collaborating  
18 physician that delegates the authority to prescribe asthma  
19 medications, for a pupil that pertains to the pupil's asthma  
20 and that has an individual prescription label.

21 "Self-administration" means a pupil's discretionary use of  
22 his or her prescribed asthma medication.

23 (b) A school, whether public or nonpublic, must permit the  
24 self-administration of medication by a pupil with asthma or the  
25 use of an epinephrine auto-injector by a pupil, provided that:

26 (1) the parents or guardians of the pupil provide to  
27 the school written authorization for the  
28 self-administration of medication or use of an epinephrine  
29 auto-injector; and

30 (2) the parents or guardians of the pupil provide to  
31 the school a written statement from the pupil's physician,  
32 physician assistant, or advanced practice registered nurse

1 containing the following information:

2 (A) the name and purpose of the medication or  
3 epinephrine auto-injector;

4 (B) the prescribed dosage; and

5 (C) the time or times at which or the special  
6 circumstances under which the medication or  
7 epinephrine auto-injector is to be administered.

8 The information provided shall be kept on file in the office of  
9 the school nurse or, in the absence of a school nurse, the  
10 school's administrator.

11 (c) The school district or nonpublic school must inform the  
12 parents or guardians of the pupil, in writing, that the school  
13 district or nonpublic school and its employees and agents are  
14 to incur no liability, except for willful and wanton conduct,  
15 as a result of any injury arising from the self-administration  
16 of medication or use of an epinephrine auto-injector by the  
17 pupil. The parents or guardians of the pupil must sign a  
18 statement acknowledging that the school district or nonpublic  
19 school is to incur no liability, except for willful and wanton  
20 conduct, as a result of any injury arising from the  
21 self-administration of medication or use of an epinephrine  
22 auto-injector by the pupil and that the parents or guardians  
23 must indemnify and hold harmless the school district or  
24 nonpublic school and its employees and agents against any  
25 claims, except a claim based on willful and wanton conduct,  
26 arising out of the self-administration of medication or use of  
27 an epinephrine auto-injector by the pupil.

28 (d) The permission for self-administration of medication  
29 or use of an epinephrine auto-injector is effective for the  
30 school year for which it is granted and shall be renewed each  
31 subsequent school year upon fulfillment of the requirements of  
32 this Section.

33 (e) Provided that the requirements of this Section are  
34 fulfilled, a pupil with asthma may possess and use his or her  
35 medication or a pupil may possess and use an epinephrine  
36 auto-injector (i) while in school, (ii) while at a

1 school-sponsored activity, (iii) while under the supervision  
2 of school personnel, or (iv) before or after normal school  
3 activities, such as while in before-school or after-school care  
4 on school-operated property.

5 (Source: P.A. 92-402, eff. 8-16-01.)

6 Section 90. The State Mandates Act is amended by adding  
7 Section 8.30 as follows:

8 (30 ILCS 805/8.30 new)

9 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8  
10 of this Act, no reimbursement by the State is required for the  
11 implementation of any mandate created by this amendatory Act of  
12 the 94th General Assembly.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.