

1 AN ACT concerning education.

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 medication.

8 (a) In this Section:

9 "Asthma inhaler" means a quick reliever asthma inhaler.

10 "Epinephrine auto-injector" means a medical device for
11 immediate self-administration by a person at risk of
12 anaphylaxis.

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

22 "Self-administration" means a pupil's discretionary use of
23 and ability to carry his or her prescribed asthma medication.

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

4 (1) the parents or guardians of the pupil provide to
5 the school (i) written authorization from the parents or
6 guardians for the self-administration of medication or
7 (ii) for use of an epinephrine auto-injector, written
8 authorization from the pupil's physician, physician
9 assistant, or advanced practice registered nurse; and

10 (2) the parents or guardians of the pupil provide to
11 the school (i) the prescription label, which must contain
12 the name of the medication, the prescribed dosage, and the
13 time at which or circumstances under which the medication
14 is to be administered, or (ii) for use of an epinephrine
15 auto-injector, a written statement from the pupil's
16 physician, physician assistant, or advanced practice
17 registered nurse containing the following information:

18 (A) the name and purpose of the ~~medication or~~
19 epinephrine auto-injector;

20 (B) the prescribed dosage; and

21 (C) the time or times at which or the special
22 circumstances under which the ~~medication or~~
23 epinephrine auto-injector is to be administered.

24 The information provided shall be kept on file in the office of
25 the school nurse or, in the absence of a school nurse, the
26 school's administrator.

1 (c) The school district or nonpublic school must inform the
2 parents or guardians of the pupil, in writing, that the school
3 district or nonpublic school and its employees and agents are
4 to incur no liability, except for willful and wanton conduct,
5 as a result of any injury arising from the self-administration
6 of medication or use of an epinephrine auto-injector by the
7 pupil regardless of whether authorization was given by the
8 pupil's parents or guardians or by the pupil's physician,
9 physician's assistant, or advanced practice registered nurse.

10 The parents or guardians of the pupil must sign a statement
11 acknowledging that the school district or nonpublic school is
12 to incur no liability, except for willful and wanton conduct,
13 as a result of any injury arising from the self-administration
14 of medication or use of an epinephrine auto-injector by the
15 pupil regardless of whether authorization was given by the
16 pupil's parents or guardians or by the pupil's physician,
17 physician's assistant, or advanced practice registered nurse

18 and that the parents or guardians must indemnify and hold
19 harmless the school district or nonpublic school and its
20 employees and agents against any claims, except a claim based
21 on willful and wanton conduct, arising out of the
22 self-administration of medication or use of an epinephrine
23 auto-injector by the pupil regardless of whether authorization
24 was given by the pupil's parents or guardians or by the pupil's
25 physician, physician's assistant, or advanced practice
26 registered nurse.

1 (d) The permission for self-administration of medication
2 or use of an epinephrine auto-injector is effective for the
3 school year for which it is granted and shall be renewed each
4 subsequent school year upon fulfillment of the requirements of
5 this Section.

6 (e) Provided that the requirements of this Section are
7 fulfilled, a pupil with asthma may possess and use his or her
8 medication or a pupil may possess and use an epinephrine
9 auto-injector (i) while in school, (ii) while at a
10 school-sponsored activity, (iii) while under the supervision
11 of school personnel, or (iv) before or after normal school
12 activities, such as while in before-school or after-school care
13 on school-operated property.

14 (Source: P.A. 94-792, eff. 5-19-06.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.