



Rep. Esther Golar

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09600HB5836ham002

LRB096 17765 MJR 38741 a

1 AMENDMENT TO HOUSE BILL 5836

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5836 by replacing  
3 everything after the enacting clause with the following:

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

1 physician, or (iii) an advanced practice registered nurse who  
2 has a written collaborative agreement with a collaborating  
3 physician that delegates the authority to prescribe asthma  
4 medications, for a pupil that pertains to the pupil's asthma  
5 and that has an individual prescription label.

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

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

11 (1) the parents or guardians of the pupil provide to  
12 the school (i) written authorization from the parents or  
13 guardians for the self-administration of medication or  
14 (ii) for use of an epinephrine auto-injector, written  
15 authorization from the pupil's physician, physician  
16 assistant, or advanced practice registered nurse; and

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

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

1 (B) the prescribed dosage; and

2 (C) the time or times at which or the special  
3 circumstances under which the ~~medication~~ or  
4 epinephrine auto-injector is to be administered.

5 In the event that the pupil's physician, physician assistant,  
6 or advanced practice registered nurse determines that it is  
7 inappropriate for the pupil to self-administer his or her  
8 asthma inhaler, those instructions must be included in the  
9 prescribing information provided to the school under clause (2)  
10 of this subsection (b). The information provided shall be kept  
11 on file in the office of the school nurse or, in the absence of  
12 a school nurse, the school's administrator.

13 (c) The school district or nonpublic school must inform the  
14 parents or guardians of the pupil, in writing, that the school  
15 district or nonpublic school and its employees and agents are  
16 to incur no liability, except for willful and wanton conduct,  
17 as a result of any injury arising from the self-administration  
18 of medication or use of an epinephrine auto-injector by the  
19 pupil regardless of whether authorization was given by the  
20 pupil's parents or guardians or by the pupil's physician,  
21 physician's assistant, or advanced practice registered nurse.

22 The parents or guardians of the pupil must sign a statement  
23 acknowledging that the school district or nonpublic school is  
24 to incur no liability, except for willful and wanton conduct,  
25 as a result of any injury arising from the self-administration  
26 of medication or use of an epinephrine auto-injector by the

1 pupil regardless of whether authorization was given by the  
2 pupil's parents or guardians or by the pupil's physician,  
3 physician's assistant, or advanced practice registered nurse  
4 and that the parents or guardians must indemnify and hold  
5 harmless the school district or nonpublic school and its  
6 employees and agents against any claims, except a claim based  
7 on willful and wanton conduct, arising out of the  
8 self-administration of medication or use of an epinephrine  
9 auto-injector by the pupil regardless of whether authorization  
10 was given by the pupil's parents or guardians or by the pupil's  
11 physician, physician's assistant, or advanced practice  
12 registered nurse.

13 (d) The permission for self-administration of medication  
14 or use of an epinephrine auto-injector is effective for the  
15 school year for which it is granted and shall be renewed each  
16 subsequent school year upon fulfillment of the requirements of  
17 this Section.

18 (e) Provided that the requirements of this Section are  
19 fulfilled, a pupil with asthma may possess and use his or her  
20 medication or a pupil may possess and use an epinephrine  
21 auto-injector (i) while in school, (ii) while at a  
22 school-sponsored activity, (iii) while under the supervision  
23 of school personnel, or (iv) before or after normal school  
24 activities, such as while in before-school or after-school care  
25 on school-operated property.

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

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".