SENATE BILL No. 51

By Senator Faust-Goudeau

AN ACT concerning school districts; relating to the dispensing of medication.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Any policy adopted by a school district regarding the dispensing of medication to students enrolled in such school district shall comply with the provisions of this section. Such policy shall provide that a student may be given over-the-counter medication in the recommended dosage provided that the school has obtained written consent from the parent or legal guardian of the student authorizing the dispensing of such medication to the student. All school districts shall consider adopting a policy regarding the administration of over-the-counter medications to students enrolled in such school district. If such a policy is adopted the board of education may designate which over-the-counter medications may be administered pursuant to such policy, and may decide whether the written authorization of a parent or legal guardian shall be required prior to the administration of such over-the-counter medication.

(b) Nothing in this section shall be construed to require or prohibit requiring a health care provider's written authorization prior to dispensing administering over-the-counter medication in accordance with subsection (a).

(c) Nothing in this section shall be construed to require a school nurse or other school employee to dispense administer over-the-counter medication other than as recommended on the label of the package containing such over-the-counter medication, or to dispense administer any prescription medication without first obtaining written authorization from a health care provider.

(d) The board of education of any school district that has adopted a policy subject to the provisions of this section, may adopt any additional policies pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, which the board deems necessary to implement the requirements of this section.

(e) Any policy adopted pursuant to this section shall be reviewed by the board of education of such school district at least once every three years. Upon completing its review, the board of education shall amend the policy, if necessary, and either adopt such policy, as amended or
without amendment, or rescind such policy.

(e) (f) As used in this section:

(1) "Health care provider" means:

(A) A physician licensed to practice medicine and surgery;

(B) an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto;

(C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto; or

(D) a dentist licensed to practice dentistry.

(2) "Over-the-counter medication" means any drug available for purchase without a prescription.

(3) "School" means any public or accredited nonpublic school.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.