

HOUSE BILL No. 2478

By Representative Barbieri-Lightner

12-2

AN ACT relating to health care; concerning self-medication by students in secondary schools.

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

Section 1. This act shall be known and cited as the Kansas student self-medication act also known as Bella's act.

Sec. 2. As used in this act:

(a) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking, difficulty swallowing, hives, itching, swelling, shock or asthma. Its causes may include an insect sting, food allergy, drug reaction and exercise.

(b) "Anaphylactic shock" means an often severe and fatal systemic anaphylaxis reaction in an individual who has shown a previous hypersensitivity upon exposure to a specific substance or allergin.

(c) "Epinephrine auto-injector" means a disposable drug delivery system that is designed for emergency administration of epinephrine to provide rapid, convenient first-aid for persons suffering a potentially fatal anaphylactic reaction as defined in subsections (a) and (b) of this section.

(d) "Medication" means a medicine prescribed by (1) a physician licensed to practice medicine, (2) a physician assistant or (3) an advanced registered nurse practitioner who is authorized to prescribe medicine for the treatment of asthma and anaphylactic shock as defined in subsections (a) and (b) of this section.

Sec. 3. (a) A student in grades 6 through 12 who has asthma or allergies which may require the emergency use of asthma medication or an epinephrine auto-injector or similar device may possess, carry and self-administer such medications in school, at a school sponsored activity or under the supervision of school personnel upon meeting the requirements of this section.

(b) The student shall provide a written statement from the student's health care practitioner containing the following information:

- (1) The name and purpose of the medication;
- (2) the prescribed dosage;
- (3) the time or times the medication is to be regularly administered

1 and under what additional special circumstances the medication is to be
2 administered; and

3 (4) the length of time for which the medication is prescribed.

4 (c) The student shall provide a written authorization stating such stu-
5 dent has been instructed on self-administration of the medication and is
6 authorized to do so in school. The statements required in subsections (b)
7 and (c) of this section shall be kept on file in the office of the school nurse
8 or school administrator.

9 (d) The school district or governing body of each public and non-
10 public school shall inform the parent or guardian of the student that the
11 school and its employees and agents shall incur no liability as a result of
12 any injury sustained by the student from the self-administration of such
13 medications. The parent or guardian of the student shall sign a statement
14 acknowledging that the school shall incur no liability and the parent or
15 guardian shall indemnify and hold harmless the school, its employees and
16 its agents against any claims relating to the self-administration of such
17 medications. Nothing in this subsection shall be construed to relieve lia-
18 bility of the school, its employees or its agents for negligence.

19 (e) The permission for self-administration of medications shall be ef-
20 fective for the school year in which it is granted and shall be renewed
21 each following school year upon fulfilling the requirements of subsections
22 (b), (c) and (d) of this section.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.

25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43