



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4146

by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.21b
105 ILCS 5/34-18.61

from Ch. 122, par. 10-22.21b

Amends the School Code. Provides that a school district must allow a student to self-administer any over-the-counter lactose intolerant relief medication without requiring written permission from the student's parent or guardian or written authorization from the student's physician, physician's assistant, or advanced practice registered nurse.

LRB103 34066 RJT 63883 b

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 Sections
5 10-22.21b and 34-18.61 as follows:

6 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)
7 Sec. 10-22.21b. Administering medication.

8 (a) In this Section, "asthma action plan" has the meaning
9 given to that term under Section 22-30.

10 (b) To provide for the administration of medication to
11 students. It shall be the policy of the State of Illinois that
12 the administration of medication to students during regular
13 school hours and during school-related activities should be
14 discouraged unless absolutely necessary for the critical
15 health and well-being of the student. Under no circumstances
16 shall teachers or other non-administrative school employees,
17 except certified school nurses and non-certificated registered
18 professional nurses, be required to administer medication to
19 students. This Section shall not prohibit a school district
20 from adopting guidelines for self-administration of medication
21 by students that are consistent with this Section and this
22 Code. This Section shall not prohibit any school employee from
23 providing emergency assistance to students.

1 (c) Notwithstanding any other provision of law, a school
2 district must allow any student with an asthma action plan, an
3 Individual Health Care Action Plan, an allergy emergency
4 action plan, a plan pursuant to Section 504 of the federal
5 Rehabilitation Act of 1973, or a plan pursuant to the federal
6 Individuals with Disabilities Education Act to self-administer
7 any medication required under those plans if the student's
8 parent or guardian provides the school district with (i)
9 written permission for the student's self-administration of
10 medication and (ii) written authorization from the student's
11 physician, physician assistant, or advanced practice
12 registered nurse for the student to self-administer the
13 medication. A parent or guardian must also provide to the
14 school district the prescription label for the medication,
15 which must contain the name of the medication, the prescribed
16 dosage, and the time or times at which or the circumstances
17 under which the medication is to be administered. Information
18 received by a school district under this subsection shall be
19 kept on file in the office of the school nurse or, in the
20 absence of a school nurse, the school's administrator.

21 Notwithstanding any other provision of law, a school
22 district must allow a student to self-administer any
23 over-the-counter lactose intolerant relief medication without
24 requiring written permission from the student's parent or
25 guardian or written authorization from the student's
26 physician, physician's assistant, or advanced practice

1 registered nurse.

2 (d) Each school district must adopt an emergency action
3 plan for a student who self-administers medication under
4 subsection (c). The plan must include both of the following:

5 (1) A plan of action in the event a student is unable
6 to self-administer medication.

7 (2) The situations in which a school must call 9-1-1.

8 (e) A school district and its employees and agents shall
9 incur no liability, except for willful and wanton conduct, as
10 a result of any injury arising from the self-administration of
11 medication by a student under subsection (c). The student's
12 parent or guardian must sign a statement to this effect, which
13 must acknowledge that the parent or guardian must indemnify
14 and hold harmless the school district and its employees and
15 agents against any claims, except a claim based on willful and
16 wanton conduct, arising out of the self-administration of
17 medication by a student.

18 (Source: P.A. 103-175, eff. 6-30-23.)

19 (105 ILCS 5/34-18.61)

20 Sec. 34-18.61. Self-administration of medication.

21 (a) In this Section, "asthma action plan" has the meaning
22 given to that term under Section 22-30.

23 (b) Notwithstanding any other provision of law, the school
24 district must allow any student with an asthma action plan, an
25 Individual Health Care Action Plan, an allergy emergency

1 action plan, a plan pursuant to Section 504 of the federal
2 Rehabilitation Act of 1973, or a plan pursuant to the federal
3 Individuals with Disabilities Education Act to self-administer
4 any medication required under those plans if the student's
5 parent or guardian provides the school district with (i)
6 written permission for the student's self-administration of
7 medication and (ii) written authorization from the student's
8 physician, physician assistant, or advanced practice
9 registered nurse for the student to self-administer the
10 medication. A parent or guardian must also provide to the
11 school district the prescription label for the medication,
12 which must contain the name of the medication, the prescribed
13 dosage, and the time or times at which or the circumstances
14 under which the medication is to be administered. Information
15 received by the school district under this subsection shall be
16 kept on file in the office of the school nurse or, in the
17 absence of a school nurse, the school's administrator.

18 Notwithstanding any other provision of law, the school
19 district must allow a student to self-administer any
20 over-the-counter lactose intolerant relief medication without
21 requiring written permission from the student's parent or
22 guardian or written authorization from the student's
23 physician, physician's assistant, or advanced practice
24 registered nurse.

25 (c) The school district must adopt an emergency action
26 plan for a student who self-administers medication under

1 subsection (b). The plan must include both of the following:

2 (1) A plan of action in the event a student is unable
3 to self-administer medication.

4 (2) The situations in which a school must call 9-1-1.

5 (d) The school district and its employees and agents shall
6 incur no liability, except for willful and wanton conduct, as
7 a result of any injury arising from the self-administration of
8 medication by a student under subsection (b). The student's
9 parent or guardian must sign a statement to this effect, which
10 must acknowledge that the parent or guardian must indemnify
11 and hold harmless the school district and its employees and
12 agents against any claims, except a claim based on willful and
13 wanton conduct, arising out of the self-administration of
14 medication by a student.

15 (Source: P.A. 102-558, eff. 8-20-21; 103-175, eff. 6-30-23.)