

1 AN ACT concerning schools.

2 WHEREAS, an estimated 5.3 million American children have  
3 asthma; and

4 WHEREAS, Asthma is the leading serious chronic illness  
5 among children and annually incurs a cost of \$ 3.2 billion in  
6 treating this young population; and

7 WHEREAS, Asthma accounts for 10 million lost school days  
8 each year in the United States and is the leading cause of  
9 school absenteeism attributed to chronic conditions; and

10 WHEREAS, Asthma is the third-ranking cause of  
11 hospitalization among children under the age of 15 years and  
12 accounts for almost one in 6 of all pediatric emergency room  
13 visits; and

14 WHEREAS, There are more than 5,400 deaths from asthma in  
15 this country each year; and

16 WHEREAS, Known asthma triggers range from viral  
17 infections to allergies to irritating gases and particles in  
18 the air; and

19 WHEREAS, An estimated 200,000 U.S. children with asthma  
20 have their condition worsened by exposure to second-hand  
21 smoke; and

22 WHEREAS, Resulting asthma attacks in children can be  
23 severe; the child may become breathless and have difficulty  
24 talking; and

25 WHEREAS, Children with asthma are taught by their

1 physician or other State-licensed health care provider to  
2 take medication to prevent an attack or to help them if an  
3 attack occurs; and

4 WHEREAS, A child's asthma can be managed by both  
5 treatment and medication; and

6 WHEREAS, Elementary and secondary school students with  
7 asthma should have unobstructed access to their asthma  
8 medication; therefore

9 Be it enacted by the People of the State of Illinois,  
10 represented in the General Assembly:

11 Section 5. The School Code is amended by adding Sections  
12 10-20.35 and 34-18.22 as follows:

13 (105 ILCS 5/10-20.35 new)  
14 Sec. 10-20.35. Self-administration of asthma medication.

15 (a) In this Section:

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

26 "Self-administration" means a pupil's discretionary use  
27 of his or her prescribed asthma medication.

28 (b) A school or school board must permit the  
29 self-administration of medication by a pupil with asthma,

1 provided that:

2 (1) the parents or guardians of the pupil provide  
3 to the school or school board written authorization for  
4 the self-administration of medication; and

5 (2) the parents or guardians of the pupil provide  
6 to the school or school board a written statement from  
7 the pupil's physician, physician assistant, or advanced  
8 practice registered nurse containing the following  
9 information:

10 (A) the name and purpose of the medication;

11 (B) the prescribed dosage; and

12 (C) the time or times at which or the special  
13 circumstances under which the medication is to be  
14 administered.

15 The information provided shall be kept on file in the office  
16 of the school nurse or, in the absence of a school nurse, the  
17 school's administrator.

18 (c) The school or school board must inform the parents  
19 or guardians of the pupil, in writing, that the school or  
20 schools district and its employees and agents are to incur no  
21 liability, except for willful and wanton conduct, as a result  
22 of any injury arising from the self-administration of  
23 medication by the pupil. The parents or guardians of the  
24 pupil must sign a statement acknowledging that the school  
25 district is to incur no liability, except for willful and  
26 wanton conduct, as a result of any injury arising from the  
27 self-administration of medication by the pupil and that the  
28 parents or guardians must indemnify and hold harmless the  
29 district and its employees and agents against any claims,  
30 except a claim based on willful and wanton conduct, arising  
31 out of the self-administration of medication by the pupil.

32 (d) The permission for self-administration of medication  
33 is effective for the school year for which it is granted and  
34 shall be renewed each subsequent school year upon fulfillment

1 of the requirements of this Section.

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

9 (105 ILCS 5/34-18.22 new)

10 Sec. 34-18.22. Self-administration of asthma medication.

11 (a) In this Section:

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

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

24 (b) The school or school board must permit the  
25 self-administration of medication by a pupil with asthma,  
26 provided that:

27 (1) the parents or guardians of the pupil provide  
28 to the school or board written authorization for the  
29 self-administration of medication; and

30 (2) the parents or guardians of the pupil provide  
31 to the school or school board a written statement from  
32 the pupil's physician, physician assistant, or advanced  
33 practice registered nurse containing the following

1 information:

2 (A) the name and purpose of the medication;

3 (B) the prescribed dosage; and

4 (C) the time or times at which or the special  
5 circumstances under which the medication is to be  
6 administered.

7 The information provided shall be kept on file in the office  
8 of the school nurse or, in the absence of a school nurse, the  
9 school's administrator.

10 (c) The school or school board must inform the parents  
11 or guardians of the pupil, in writing, that the school  
12 district and its employees and agents are to incur no  
13 liability, except for willful and wanton conduct, as a result  
14 of any injury arising from the self-administration of  
15 medication by the pupil. The parents or guardians of the  
16 pupil must sign a statement acknowledging that the school  
17 district is to incur no liability, except for willful and  
18 wanton conduct, as a result of any injury arising from the  
19 self-administration of medication by the pupil and that the  
20 parents or guardians must indemnify and hold harmless the  
21 district and its employees and agents against any claims,  
22 except a claim based on willful and wanton conduct, arising  
23 out of the self-administration of medication by the pupil.

24 (d) The permission for self-administration of medication  
25 is effective for the school year for which it is granted and  
26 shall be renewed each subsequent school year upon fulfillment  
27 of the requirements of this Section.

28 (e) Provided that the requirements of this Section are  
29 fulfilled, a pupil with asthma may possess and use his or her  
30 medication (i) while in school, (ii) while at a  
31 school-sponsored activity, (iii) while under the supervision  
32 of school personnel, or (iv) before or after normal school  
33 activities, such as while in before-school and after-school  
34 care on school-operated property.

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