

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 Section
12 22-30 as follows:

13 (105 ILCS 5/22-30 new)

14 Sec. 22-30. 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, whether public or nonpublic, must permit
29 the 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 written authorization for the
4 self-administration of medication; and

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

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

10 (B) the prescribed dosage; and

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

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

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

33 (d) The permission for self-administration of medication
34 is effective for the school year for which it is granted and

1 shall be renewed each subsequent school year upon fulfillment
2 of the requirements of this Section.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.