

ENROLLED BILL

-- *Ways and Means/Education, Health,
and Environmental Affairs* --

Introduced by **Delegates Healey, Boschert, Bozman, Cryor, C. Davis, Dumais,
Gilleland, Heller, Hixson, Howard, Kaiser, King, Marriott, McKee, Moe,
Patterson, Ramirez, ~~and Ross~~ Ross, and Goodwin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education - Public Schools - Use of Asthma Drugs and Related Medication**

3 FOR the purpose of requiring public school systems to adopt a policy authorizing a
4 student to possess and self-administer certain medication pertaining to the
5 student's asthma or other airway-constricting disease while in school, at
6 school-sponsored activities, or on school property under certain circumstances;
7 requiring certain written ~~approvals~~ orders and verification before a student can
8 self-administer medication; requiring the school nurse to conduct a certain
9 ~~review~~ assessment; authorizing certain disciplinary action under certain
10 circumstances; requiring the State ~~Board~~ Department of Education to ~~adopt~~
11 ~~certain regulations~~ provide certain State guidelines; defining certain terms; and
12 generally relating to the use of asthma drugs and related medication by
13 students in public schools.

1 BY adding to
2 Article - Education
3 Section 7-421
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2004 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Education**

9 7-421.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "HEALTH PRACTITIONER" MEANS A PHYSICIAN OR OTHER
13 INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION DRUGS OR
14 DEVICES.

15 (3) "MEDICATION" MEANS AN ASTHMA INHALER OR OTHER EMERGENCY
16 DRUG THAT IS DISPENSED FOR A STUDENT ONLY ON THE PRESCRIPTION OF A
17 HEALTH PRACTITIONER AND PERTAINS TO THE STUDENT'S ASTHMA OR OTHER
18 AIRWAY-CONSTRICTING DISEASE.

19 (4) "SELF-ADMINISTER" MEANS THE APPLICATION OR CONSUMPTION
20 OF MEDICATION IN A MANNER DIRECTED BY THE HEALTH PRACTITIONER WITHOUT
21 ADDITIONAL ASSISTANCE OR DIRECTION.

22 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, EACH PUBLIC
23 SCHOOL SYSTEM SHALL ADOPT A WRITTEN POLICY AUTHORIZING A STUDENT TO
24 POSSESS AND SELF-ADMINISTER MEDICATION WHILE:

25 (I) IN SCHOOL;

26 (II) AT SCHOOL-SPONSORED ACTIVITIES; OR

27 (III) ON A SCHOOL BUS OR OTHER SCHOOL PROPERTY.

28 (2) (I) A STUDENT WHO SELF-ADMINISTERS MEDICATION MUST HAVE
29 ~~THE A~~ PRIOR WRITTEN APPROVAL OF ORDER FROM THE STUDENT'S HEALTH CARE
30 PROVIDER AND, IF THE STUDENT IS A MINOR, THE PRIOR WRITTEN APPROVAL OF
31 THE STUDENT'S PARENT OR GUARDIAN.

32 (II) THE HEALTH CARE PROVIDER'S ORDER MUST BE MAINTAINED
33 IN THE STUDENT'S EDUCATIONAL RECORD AT THE SCHOOL.

34 (3) A STUDENT'S PARENT OR GUARDIAN MUST OBTAIN WRITTEN
35 VERIFICATION FROM THE STUDENT'S HEALTH CARE PROVIDER CONFIRMING THAT

1 THE STUDENT HAS THE KNOWLEDGE AND SKILLS TO SAFELY POSSESS AND
2 SELF-ADMINISTER THE MEDICATION.

3 (4) THE WRITTEN STATEMENTS REQUIRED UNDER THIS SUBSECTION
4 SHALL BE PROVIDED TO THE SCHOOL AT LEAST ANNUALLY.

5 (5) THE SCHOOL NURSE SHALL ~~REVIEW~~ ASSESS THE STUDENT'S
6 ~~TECHNIQUE~~ ABILITY TO DEMONSTRATE THE SKILL LEVEL NECESSARY TO ENSURE
7 PROPER AND EFFECTIVE USE OF THE MEDICATION IN SCHOOL.

8 (6) A STUDENT MAY BE SUBJECT TO DISCIPLINARY ACTION IF THE
9 STUDENT ~~USES MEDICATION IN A MANNER OTHER THAN AS PRESCRIBED~~ DOES NOT
10 USE THE MEDICATION IN A SAFE AND PROPER MANNER.

11 (C) ~~THE STATE BOARD SHALL ADOPT REGULATIONS~~ DEPARTMENT SHALL
12 PROVIDE EACH PUBLIC SCHOOL SYSTEM WITH WRITTEN STATE GUIDELINES TO
13 IMPLEMENT THIS SECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2005.