

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

Introduced and read first time: January 19, 2005

Assigned to: Ways and Means

A BILL ENTITLED

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 and verification before a student can  
8 self-administer medication; requiring the school nurse to conduct a certain  
9 review; authorizing certain disciplinary action under certain circumstances;  
10 requiring the State Board of Education to adopt certain regulations; defining  
11 certain terms; and generally relating to the use of asthma drugs and related  
12 medication by students in public schools.

13 BY adding to  
14 Article - Education  
15 Section 7-421  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2004 Supplement)

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

20 **Article - Education**

21 7-421.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (2) "HEALTH PRACTITIONER" MEANS A PHYSICIAN OR OTHER  
25 INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION DRUGS OR  
26 DEVICES.

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

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

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

11                   (I)     IN SCHOOL;

12                   (II)    AT SCHOOL-SPONSORED ACTIVITIES; OR

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

14           (2)     A STUDENT WHO SELF-ADMINISTERS MEDICATION MUST HAVE THE  
15 PRIOR WRITTEN APPROVAL OF THE STUDENT'S HEALTH CARE PROVIDER AND, IF THE  
16 STUDENT IS A MINOR, THE PRIOR WRITTEN APPROVAL OF THE STUDENT'S PARENT  
17 OR GUARDIAN.

18           (3)     A STUDENT'S PARENT OR GUARDIAN MUST OBTAIN WRITTEN  
19 VERIFICATION FROM THE STUDENT'S HEALTH CARE PROVIDER CONFIRMING THAT  
20 THE STUDENT HAS THE KNOWLEDGE AND SKILLS TO SAFELY POSSESS AND  
21 SELF-ADMINISTER THE MEDICATION.

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

24           (5)     THE SCHOOL NURSE SHALL REVIEW THE STUDENT'S TECHNIQUE TO  
25 ENSURE PROPER AND EFFECTIVE USE OF THE MEDICATION IN SCHOOL.

26           (6)     A STUDENT MAY BE SUBJECT TO DISCIPLINARY ACTION IF THE  
27 STUDENT USES MEDICATION IN A MANNER OTHER THAN AS PRESCRIBED.

28     (C)     THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
29 SECTION.

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