
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**

Introduced and read first time: January 19, 2005

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2005

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; authorizing certain disciplinary action under certain circumstances;
10 requiring the State ~~Board~~ Department of Education to ~~adopt certain regulations~~
11 provide certain State guidelines; defining certain terms; and generally relating
12 to the use of asthma drugs and related 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.

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

3 (2) "HEALTH PRACTITIONER" MEANS A PHYSICIAN OR OTHER
4 INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION DRUGS OR
5 DEVICES.

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

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

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

16 (I) IN SCHOOL;

17 (II) AT SCHOOL-SPONSORED ACTIVITIES; OR

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

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

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

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

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

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

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

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

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