

By: Representative Fleming

To: Education

HOUSE BILL NO. 449

1 AN ACT TO PROVIDE THAT PUBLIC AND NONPUBLIC SCHOOLS SHALL
2 PERMIT THE SELF-ADMINISTRATION OF MEDICATION BY A PUPIL FOR ASTHMA
3 OR OTHER POTENTIALLY LIFE-THREATENING ILLNESSES, IF CERTAIN
4 REQUIREMENTS ARE MET; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) The school board of a public school
7 district, or the governing board or chief school administrator of
8 a nonpublic school, shall permit the self-administration of
9 medication by a pupil for asthma or other potentially
10 life-threatening illnesses, provided that:

11 (a) The parents or guardians of the pupil provide to
12 the school board of the public school district, or the governing
13 board or chief school administrator of the nonpublic school,
14 written authorization for the self-administration of medication;

15 (b) The parents or guardians of the pupil provide to
16 the school board of the public school district, or the governing
17 board or chief school administrator of the nonpublic school,
18 written certification from the physician of the pupil that the
19 pupil has asthma or another potentially life-threatening illness
20 and is capable of, and has been instructed in, the proper method
21 of self-administration of medication;

22 (c) The school board of the public school district, or
23 the governing board or chief school administrator of the nonpublic
24 school, informs the parents or guardians of the pupil in writing
25 that the public school district and its employees or agents, or
26 the nonpublic school and its employees or agents, shall incur no
27 liability as a result of any injury arising from the
28 self-administration of medication by the pupil;



29 (d) The parents or guardians of the pupil sign a
30 statement acknowledging that the public school district or the
31 nonpublic school shall incur no liability as a result of any
32 injury arising from the self-administration of medication by the
33 pupil, and that the parents or guardians shall indemnify and hold
34 harmless the public school district and its employees or agents,
35 or the nonpublic school and its employees or agents, against any
36 claims arising out of the self-administration of medication by the
37 pupil; and

38 (e) The permission is effective for the school year for
39 which it is granted and is renewed for each subsequent school year
40 upon fulfillment of the requirements in paragraphs (a) through (d)
41 of this subsection.

42 (2) A pupil who is permitted to self-administer medication
43 under the provisions of this section shall be permitted to carry
44 an inhaler at all times, provided that the pupil does not endanger
45 himself or other persons through misuse.

46 (3) Any person who acts in good faith in accordance with the
47 requirements of this section shall be immune from any civil or
48 criminal liability arising from actions performed under this
49 section.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2003.

