

By: Representatives Moody, Fleming

To: Education

HOUSE BILL NO. 1072

1 AN ACT TO PROVIDE THAT PUBLIC AND NONPUBLIC SCHOOLS SHALL
2 PERMIT THE SELF-ADMINISTRATION OF MEDICATION BY A STUDENT FOR
3 ASTHMA, IF CERTAIN REQUIREMENTS ARE MET; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) The school board of a public school
6 district, or the governing body or chief school administrator of a
7 nonpublic school, shall permit the self-administration of
8 medication by a student for asthma, provided that:

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

13 (b) The parents or guardians of the pupil provide to
14 the school board of the public school district, or the governing
15 body or chief school administrator of the nonpublic school,
16 written certification, which shall remain on file in the office of
17 the school nurse or principal's office, from the student's health
18 care practitioner (i) that the student has asthma and is capable
19 of, and has been instructed in, the proper method of
20 self-administration of medication, (ii) the name, purpose and
21 prescribed dosage of the medication, the time or times at which
22 the medication is to be regularly administered and under what
23 additional special circumstances the medication is to be
24 administered, and (iii) the length of time for which the
25 medications are prescribed;

26 (c) The school board of the public school district, or
27 the governing body or chief school administrator of the nonpublic



28 school, informs the parents or guardians of the student in writing
29 that the public school district and its employees or agents, or
30 the nonpublic school and its employees or agents, shall incur no
31 liability as a result of any injury arising from the
32 self-administration of medication by the student;

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

42 (e) The permission is effective for the school year for
43 which it is granted and is renewed for each subsequent school year
44 upon fulfillment of the requirements in paragraphs (a) through (d)
45 of this subsection.

46 (2) A student who is permitted to self-administer medication
47 under the provisions of this section shall be permitted to possess
48 and use asthma medications when on school premises, while at a
49 school-sponsored activity, or at any place while under the
50 supervision of school personnel.

51 (3) Any person who acts in good faith in accordance with the
52 requirements of this section shall be immune from any civil or
53 criminal liability arising from actions performed under this
54 section; however, nothing in paragraphs (c) or (d) of subsection
55 (1) shall be construed to grant immunity to a school or its
56 employees for acts of negligence.

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

