

By: Representatives Moody, Fleming

To: Education

HOUSE BILL NO. 1072  
(As Passed the House)

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 notarized written authorization for the self-administration of  
13 medication;

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



27 (c) The school board of the public school district, or  
28 the governing body or chief school administrator of the nonpublic  
29 school, informs the parents or guardians of the student in writing  
30 that the public school district and its employees or agents, or  
31 the nonpublic school and its employees or agents, shall incur no  
32 liability as a result of any injury arising from the  
33 self-administration of medication by the student;

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

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

47 (2) A student who is permitted to self-administer medication  
48 under the provisions of this section shall be permitted to possess  
49 and use asthma medications, including, but not limited to, an  
50 inhaler, when on school premises, while at a school-sponsored  
51 activity, or at any place while under the supervision of school  
52 personnel, provided that the pupil does not endanger himself or  
53 other persons through misuse.

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



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

