

1 **USE OF ASTHMA MEDICATION BY PUPILS**
2 **IN SCHOOL**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Patrice M. Arent**

6 Karen Hale
7 Paula F. Julander

David L. Thomas
Beverly Ann Evans

John L. Valentine

8
9 **LONG TITLE**

10 **General Description:**

11 This bill directs a public school to permit a student to possess and self-administer
12 inhaled asthma medication if certain requirements are met.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ directs a public school to permit a student to possess and self-administer
16 prescription or nonprescription, inhaled asthma medication if:
 - 17 • the student's parent or guardian provides written authorization and an
18 acknowledgment that the student is responsible for, and capable of, self-
19 administering the asthma medication; and
 - 20 • the student's health care provider provides a written statement indicating it is
21 medically appropriate for the student to self-administer asthma medication and
22 be in possession of asthma medication at all times; and
- 23 ▶ requires the Utah Department of Health, in cooperation with the state
24 superintendent of public instruction, to create forms for the parental and health care
25 provider statements for the use by public schools.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **53A-11-602**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **53A-11-602** is enacted to read:

36 **53A-11-602. Self-administration of asthma medication.**

37 (1) As used in this section, "asthma medication" means prescription or nonprescription,
38 inhaled asthma medication.

39 (2) A public school shall permit a student to possess and self-administer asthma
40 medication if:

41 (a) the student's parent or guardian signs a statement:

42 (i) authorizing the student to self-administer asthma medication; and

43 (ii) acknowledging that the student is responsible for, and capable of,
44 self-administering the asthma medication; and

45 (b) the student's health care provider provides a written statement that states:

46 (i) it is medically appropriate for the student to self-administer asthma medication and
47 be in possession of asthma medication at all times; and

48 (ii) the name of the asthma medication prescribed or authorized for the student's use.

49 (3) The Utah Department of Health, in cooperation with the state superintendent of
50 public instruction, shall design forms to be used by public schools for the parental and health
51 care provider statements described in Subsection (2).

Legislative Review Note
as of 12-5-03 9:11 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Any associated costs can be handled within existing budgets. There could be some savings for Medicaid, CHIP, and PEHP eligible school age children.

Individual and Business Impact

No significant fiscal impact. There could be savings to individuals and/or insurance if emergency room or office visits could be avoided.

Office of the Legislative Fiscal Analyst