

Senator Karen Hale proposes the following substitute bill:

**MEDICAL RECOMMENDATIONS FOR
CHILDREN**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael T. Morley

6	Bradley M. Daw	Wayne A. Harper	Curtis Oda
7	Margaret Dayton	Gregory H. Hughes	Paul Ray
8	Glenn A. Donnelson	Bradley T. Johnson	Aaron Tilton
9	John Dougall	Todd E. Kiser	David Ure
10	James A. Ferrin	Rebecca D. Lockhart	Mark W. Walker
11	Craig A. Frank	Michael E. Noel	Peggy Wallace
12	James R. Gowans		

13

14 **LONG TITLE**

15 **General Description:**

16 This bill regulates medical recommendations by school personnel to parents.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ provides definitions;
- 20 ▶ regulates medical recommendations by school personnel to parents; and
- 21 ▶ requires local school boards and charter schools to adopt certain policies.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:



28 **53A-11-603**, Utah Code Annotated 1953

29

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

31 Section 1. Section **53A-11-603** is enacted to read:

32 **53A-11-603. Definitions -- School personnel -- Medical recommendations --**

33 **Penalties.**

34 (1) As used in this section:

35 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
36 mental health therapist.

37 (b) "Medication" means any medicine, whether over-the-counter or prescription.

38 (c) "School personnel" means any school district or charter school employee, including
39 licensed, part-time, contract, and non-licensed employees.

40 (2) School personnel may:

41 (a) provide information and observations to a student's parent or guardian about that
42 student, including observations and concerns in the following areas:

43 (i) progress;

44 (ii) health and wellness;

45 (iii) social interactions;

46 (iv) behavior; or

47 (v) topics consistent with Subsection 53A-13-302(6);

48 (b) refer students to other appropriate school personnel and agents, consistent with
49 local school board or charter school policy; and

50 (c) consult or use appropriate health care professionals in the event of an emergency
51 while the student is at school, consistent with the student emergency information provided at
52 student enrollment.

53 (3) School personnel shall:

54 (a) report suspected child abuse consistent with Section 62A-4a-403; and

55 (b) comply with applicable state and local health department laws, rules, and policies.

56 (4) School personnel may not:

57 (a) require that a student take or continue to take a specific medication as a condition
58 for attending school; or

59 (b) recommend a single specific health care professional or provider, but may provide
60 to a parent or guardian a list of two or more health care professionals or providers.

61 (5) Local school boards or charter schools shall adopt a policy:

62 (a) providing for training of appropriate school personnel on the provisions of this
63 section; and

64 (b) indicating that an intentional violation of this section is cause for disciplinary action
65 consistent with local school board or charter school policy and under Section 53A-8-104.