

1 SB412
2 138381-2
3 By Senators Whatley, Blackwell, Bussman and Ward
4 RFD: Health
5 First Read: 15-MAR-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 16-1-39, Code of Alabama 1975,
12 relating to the self-administration of medications by
13 students; to name the section the Kyle Graddy Act; and to
14 allow the possession and self-administration of
15 auto-injectable epinephrine.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This section shall be known and may be
18 cited as the Kyle Graddy Act.

19 Section 2. Section 16-1-39 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§16-1-39.

22 "(a) Commencing with the 2007-2008 scholastic year,
23 each local board of education and the governing body of each
24 nonpublic school in the state shall permit the
25 self-administration of medications by a student for chronic
26 conditions if conducted in compliance with the State
27 Department of Education and State Board of Nursing Medication

1 Curriculum, as may be amended from time to time by the
2 department and board. Approved medications may be
3 self-administered if the parent or legal guardian of the
4 student provides all of the information outlined in the
5 medication curriculum, including, but not limited to, all of
6 the following:

7 "(1) Written and signed authorization for the
8 self-administration to the chief executive officer of the
9 school.

10 "(2) Written and signed acknowledgement that the
11 school shall incur no liability and that the parent or legal
12 guardian shall indemnify and hold harmless the school and the
13 employees and agents of the school against any claims that may
14 arise relating to the self-administration of approved
15 medications.

16 "(3) Written medical authorization that includes all
17 of the following:

18 "a. The signature of the attending physician, or his
19 or her authorized agent.

20 "b. Confirmation that the student has been
21 instructed in the proper self-administration of the approved
22 medication.

23 "c. The name, purpose, and prescribed dosage of the
24 medications to be self-administered.

25 "d. The frequency with which the prescribed
26 medications are to be administered.

1 "e. Any special instructions or circumstances under
2 which the medications should be administered.

3 "f. The length of time for which the medications are
4 prescribed.

5 "(b) All documents provided to a school pursuant to
6 subsection (a) shall be kept on file in the office of the
7 school nurse or chief executive officer of the school.

8 "(c) The local board of education or the governing
9 body of the nonpublic school shall incur no liability and is
10 immune from any liability exposure created by this section.

11 "(d) Permission for the self-administration of
12 approved medications shall only be effective for the school
13 year in which permission is granted. Permission for
14 self-administration of approved medications may be granted in
15 subsequent years provided all requirements of this section are
16 satisfied.

17 "(e) Upon obtaining permission to self-administer
18 approved medications pursuant to this section, a student shall
19 be permitted to possess and self-administer approved
20 medications, according to the orders of the prescriber, at any
21 time while on school property or while attending a
22 school-sponsored event.

23 "(f) Nothing in this section shall be interpreted as
24 permitting a student to possess a controlled substance, as
25 defined in the medication curriculum, on school property.

26 "(g) For the purposes of this section,
27 auto-injectable epinephrine is a disposable drug delivery

1 device that is easily transportable and contains a premeasured
2 single dose of epinephrine used to treat life-threatening
3 allergic reactions. Auto-injectable epinephrine is an approved
4 medication that may be carried on the person of and
5 self-administered by a student."

6 Section 3. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Health..... 15-MAR-12

Read for the second time and placed on the calen-
dar 1 amendment..... 12-APR-12

Read for the third time and passed as amended 26-APR-12

Yeas 32
Nays 0

Patrick Harris
Secretary