

1 SB110
2 138381-3
3 By Senators Whatley, Dial, Allen, Ward, Beason, Waggoner,
4 Marsh, Williams and Blackwell
5 RFD: Judiciary
6 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, students attending
9 public and nonpublic K-12 schools are permitted to
10 self-administer certain approved medications while
11 on school property.

12 This bill would name the self-administration
13 law the Kyle Graddy Act.

14 This bill would specifically allow the
15 possession and self-administration of
16 auto-injectable epinephrine by a school student.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 16-1-39, Code of Alabama 1975,
23 relating to the self-administration of medications by
24 students; to name the section the Kyle Graddy Act; and to
25 allow the possession and self-administration of
26 auto-injectable epinephrine.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 Section 2. Section 16-1-39 of the Code of Alabama
4 1975, is amended to read as follows:

5 "§16-1-39.

6 "(a) Commencing with the 2007-2008 scholastic year,
7 each local board of education and the governing body of each
8 nonpublic school in the state shall permit the
9 self-administration of medications by a student for chronic
10 conditions if conducted in compliance with the State
11 Department of Education and State Board of Nursing Medication
12 Curriculum, as may be amended from time to time by the
13 department and board. Approved medications may be
14 self-administered if the parent or legal guardian of the
15 student provides all of the information outlined in the
16 medication curriculum, including, but not limited to, all of
17 the following:

18 "(1) Written and signed authorization for the
19 self-administration to the chief executive officer of the
20 school.

21 "(2) Written and signed acknowledgement that the
22 school shall incur no liability and that the parent or legal
23 guardian shall indemnify and hold harmless the school and the
24 employees and agents of the school against any claims that may
25 arise relating to the self-administration of approved
26 medications.

1 "(3) Written medical authorization that includes all
2 of the following:

3 "a. The signature of the attending physician, or his
4 or her authorized agent.

5 "b. Confirmation that the student has been
6 instructed in the proper self-administration of the approved
7 medication.

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

10 "d. The frequency with which the prescribed
11 medications are to be administered.

12 "e. Any special instructions or circumstances under
13 which the medications should be administered.

14 "f. The length of time for which the medications are
15 prescribed.

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

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

22 "(d) Permission for the self-administration of
23 approved medications shall only be effective for the school
24 year in which permission is granted. Permission for
25 self-administration of approved medications may be granted in
26 subsequent years provided all requirements of this section are
27 satisfied.

1 "(e) Upon obtaining permission to self-administer
2 approved medications pursuant to this section, a student shall
3 be permitted to possess and self-administer approved
4 medications, according to the orders of the prescriber, at any
5 time while on school property or while attending a
6 school-sponsored event.

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

10 "(g) For the purposes of this section,
11 auto-injectable epinephrine is a disposable drug delivery
12 device that is easily transportable and contains a premeasured
13 single dose of epinephrine used to treat life-threatening
14 allergic reactions. Auto-injectable epinephrine is an approved
15 medication that may be carried on the person of and
16 self-administered by a student."

17 Section 3. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.