

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:

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

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

"§16-1-39.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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