

Senate Bill 472

By: Senators Butler of the 55th, Thomas of the 10th and Thomas of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to health, so as to provide for self-administration of
3 asthma medication by minor children at school; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to health, is amended by adding a new Code section to read as
9 follows:

10 "31-1-10.

11 (a) As used in this Code section, the term:

12 (1) 'Medication' means a medicine prescribed by

13 (A) A physician licensed under Chapter 34 of Title 43; or

14 (B) A physician's assistant licensed under Chapter 34 of Title 43 who is authorized to
15 prescribe medicine for the treatment of asthma in accordance with said chapter.

16 (2) 'Self-administration of asthma medication' means a student's discretionary use of
17 asthma medication prescribed for him or her.

18 (b) Any school in this state, public or private, shall permit the self-administration of asthma
19 medication by a student who is a minor and has asthma, and the school district or private
20 school and the employees and agents thereof shall incur no liability other than for willful
21 or wanton misconduct for any injury to a student caused by his or her self-administration
22 of asthma medication, if for the current school year:

23 (1) A parent or legal guardian of the student has provided the school with:

24 (A) Signed written authorization for such self-administration of asthma medication;

25 (B) A written statement from a physician, physician's assistant, or advanced nursing
26 practice registered nurse containing the following information:

- 1 (i) The name and purpose of the asthma medication;
2 (ii) The prescribed dosage; and
3 (iii) The time or times at which or the special circumstances under which the
4 medication is to be administered; and

5 (C) Signed written authorization by the parent or legal guardian for the school to seek
6 emergency medical treatment for the student when deemed necessary and appropriate.

7 The information provided to a school under this paragraph shall be kept on file in the
8 office of the school nurse or, in the absence of a school nurse, the school administrator;
9 and

10 (2) The school district or private school has informed the parent or legal guardian in
11 writing of the limitation on liability provided by this subsection, the parent or legal
12 guardian has provided signed written acknowledgment of the same, and the parent or
13 legal guardian in writing indemnifies and holds harmless the school district or private
14 school and its employees and agents against any claims, except a claim based on willful
15 or wanton misconduct, arising out of the self-administration of asthma medication by
16 such student.

17 (c) Authorization for self-administration of asthma medication under this Code section
18 shall be effective only for the school year in which such authorization is granted, but
19 subsequent authorization may be granted in any school year in accordance with this Code
20 section.

21 (d) Any student who is authorized for self-administration of asthma medication under this
22 Code section may possess and use his or her asthma medication:

- 23 (1) While in school;
24 (2) At a school sponsored activity;
25 (3) While under the supervision of school personnel; or
26 (4) While in before-school or after-school care on school operated property."

27 **SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.