

AN ACT

To repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to the administration of medication in schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 167.627, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.627, to read as follows:

167.627. 1. Any board of education of any school district may permit the administration of medication for epileptic seizures by school personnel, and the self-administration of medication administered by way of a metered-dose inhaler by a pupil for asthma or other potentially life-threatening respiratory illnesses provided that:

(1) The parents or guardians of the pupil provide to the board of education written authorization for the administration of medication for epileptic seizures by school personnel or the self-administration of medication and a written medical history of the pupil's experience with epilepsy or the potentially life-threatening respiratory illness and a plan of action for addressing any emergency situations that could reasonably be anticipated as a consequence of administering the medication and having epilepsy or the potentially life-threatening respiratory illness;

(2) The parents or guardians of the pupil provide to the board of education written certification from the physician of the pupil that the pupil has epilepsy, asthma or another potentially life-threatening respiratory illness and, in the case of asthma or another potentially life-threatening respiratory illness is capable of, and has been instructed in, the proper method of self-administration of medication and informed of the dangers of permitting other persons to use medicine prescribed for the pupil;

(3) The board informs the parents or guardians of the pupil in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the administration of epileptic seizure medication by school personnel or the self-administration of medication by the pupil, absent any negligence by the district, its employees or its agents, or as a result of providing all relevant information provided pursuant to subdivisions (1) and (2) of this subsection with the school nurse, absent any negligence by the district, its employees or its agents, or in the absence of such nurse, to the school administrator;

(4) The parents or guardians of the pupil sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the administration of epileptic seizure medication by school personnel or the self-administration of medication by the pupil and that the parents or guardians

shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epileptic seizure medication by school personnel or the self-administration of medication by the pupil; and

(5) The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements of subdivisions (1) through (4) of this subsection.

2. Nothing in this section shall be construed to prevent a school district from requiring pupils to maintain current duplicate prescription medications with the school nurse or in the absence of such nurse, the school administrator.

3. The state board of education shall promulgate such rules and regulations as it deems necessary to effectuate the purposes of this section.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] chapter 536, RSMo.