

By: Senator(s) Carmichael, King, Burton,
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To: Education

SENATE BILL NO. 2393
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-79-31, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE POLICY FOR THE POSSESSION AND SELF-ADMINISTRATION
3 OF PRESCRIPTION ASTHMA AND/OR ANAPHYLAXIS MEDICATION BY PUBLIC AND
4 NONPUBLIC SCHOOL STUDENTS WHILE ON SCHOOL PROPERTY OR AT SCHOOL
5 ACTIVITIES; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO
6 REQUIRE ALL SCHOOL DISTRICTS TO TAKE CERTAIN ACTIONS RELATING TO
7 CHILDREN WITH ASTHMA; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 41-79-31, Mississippi Code of 1972, is
10 amended as follows:

11 41-79-31. (1) The school board of each local public school
12 district and the governing body of each private and parochial
13 school or school district shall permit the self-administration of
14 asthma and anaphylaxis medication pursuant to the requirements of
15 this section.

16 * * *

17 (2) As used in this section:

18 (a) "Parent" means parent or legal guardian.

19 (b) "Asthma and anaphylaxis medication" means inhaled
20 bronchodilator and auto-injectable epinephrine.

21 (c) "Self-administration of prescription asthma and/or
22 anaphylaxis medication" means a student's discretionary use of
23 prescription asthma and/or anaphylaxis medication.

24 (3) A student with asthma and/or anaphylaxis is entitled to
25 possess and self-administer prescription asthma and/or anaphylaxis
26 medication while on school property, on school provided
27 transportation, or at a school-related event or activity if:



28 (a) The prescription asthma and/or anaphylaxis
29 medication has been prescribed for that student as indicated by
30 the prescription label on the medication;

31 (b) The self-administration is done in compliance with
32 the prescription or written instructions from the student's
33 physician or other licensed health care provider; and

34 (c) A parent of the student provides to the school:

35 (i) Written authorization, signed by the parent,
36 for the student to self-administer prescription asthma and/or
37 anaphylaxis medication while on school property or at a
38 school-related event or activity;

39 (ii) A written statement, signed by the parent, in
40 which the parent releases the school district and its employees
41 and agents from liability for an injury arising from the student's
42 self-administration of prescription asthma and/or anaphylaxis
43 medication while on school property or at a school-related event
44 or activity unless in cases of wanton or willful misconduct;

45 (iii) A written statement from the student's
46 physician or other licensed health care provider, signed by the
47 physician or provider, that states:

48 1. That the student has asthma and/or
49 anaphylaxis and is capable of self-administering the prescription
50 asthma and/or anaphylaxis medication;

51 2. The name and purpose of the medication;

52 3. The prescribed dosage for the medication;

53 4. The times at which or circumstances under
54 which the medication may be administered; and

55 5. The period for which the medication is
56 prescribed.

57 (4) The physician's statement must be kept on file in the
58 office of the school nurse of the school the student attends or,
59 if there is not a school nurse, in the office of the principal of
60 the school the student attends.



61 (5) If a student uses his/her medication in a manner other
62 than prescribed, he/she may be subject to disciplinary action
63 under the school codes. The disciplinary action shall not limit
64 or restrict the student's immediate access to the medication.

65 **SECTION 2.** (1) The State Department of Education shall
66 require each public school district to take the following actions
67 relating to the management of asthma in the school setting:

68 (a) Recommend that each child with asthma have a
69 current asthma action plan (AAP) on file at the child's school for
70 the 2010-2011 school year, and require that each child with asthma
71 have a current AAP on file at the child's school for the 2011-2012
72 school year and each school year thereafter, for use by the school
73 nurse, teachers and staff. Parents and guardians of a child with
74 asthma are to have the child's AAP developed and signed by the
75 child's health care provider. The AAP should include the child's
76 asthma severity classification, current asthma medication and
77 emergency contact information. The AAP must be updated annually.

78 (b) Adopt an emergency protocol that includes
79 instructions for all school staff to follow in case of a major
80 medical emergency for asthma and all other life-threatening
81 diseases.

82 (c) Fully implement Section 41-79-31, which authorizes
83 the self-administration of asthma medication at school by
84 students.

85 (d) Provide comprehensive, in-service training on
86 asthma for teachers, assistant teachers, school nurses,
87 administrators, and operations, maintenance and support staff.
88 The training should include instruction on the use of AAPs, the
89 requirements of Section 41-79-31, emergency protocols for asthma
90 and policies in effect in that school relating to asthma.

91 (e) Require school nurses to attend certified asthma
92 educators training. The cost of the training required for school
93 nurses shall be paid by the American Lung Association.



94 (f) Require local school health councils to conduct a
95 school health needs assessment that addresses and supports the
96 implementation of the following: healthy school environment,
97 physical activity, staff wellness, counseling/psychological
98 services, nutrition services, family/community involvement, health
99 education and health services. The results of the assessment must
100 be used in the development of long-range maintenance plans that
101 include specific indoor air quality components for each school
102 building. The long-range maintenance plans must be included in
103 the local school wellness policy. The long-range plans must be
104 completed before January 1, 2012.

105 (g) Require local school health councils to adopt and
106 support the implementation of a local school wellness policy that
107 includes minimizing children's exposure to dust, gases, fumes and
108 other pollutants that can aggravate asthma in the school setting.
109 The policy must require the air quality and ventilation systems of
110 schools to be assessed annually, which assessment may be
111 accomplished with the Environmental Protection Agency's Tools for
112 Schools Indoor Air Quality Checklist. The policy also must
113 prohibit the use of hazardous substances such as, but not limited
114 to, chemical cleaning products and pesticides in and around school
115 buildings during the hours that children are present at school.
116 The policy must require all school construction projects to
117 implement containment procedures not later than July 1, 2012, for
118 dusts, gases, fumes and other pollutants that trigger asthma.

119 (h) Implement an integrated pest management program
120 that includes procedural guidelines for pesticide application,
121 education of building occupants and inspection and monitoring of
122 pesticide applications. The integrated pest management program
123 may limit the frequency, duration and volume of pesticide
124 application on school grounds.



125 (i) Require school bus operators to minimize the idling
126 of school bus engines to prevent exposure of children and adults
127 to diesel exhaust fumes.

128 (j) Require coaches and physical education teachers to
129 participate in the American Lung Association Coaches Care/Asthma
130 101 training by the 2011-2012 school year, subject to funding by
131 the school district.

132 (2) This section shall stand repealed on July 1, 2014.

133 **SECTION 3.** This act shall take effect and be in force from
134 and after July 1, 2010.

