

ASSEMBLY BILL NO. 285—ASSEMBLYMEN WOODBURY,  
OSCARSON; AND TITUS

MARCH 13, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the self-administration of certain medications by pupils in public schools. (BDR 34-812)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to pupils; allowing pupils to self-administer prescribed medications for diabetes under certain circumstances; requiring a public school to establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; providing immunity from liability to certain school administrators and employees for certain harm as a result of the self-administration of medication by a pupil; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law allows the parent or legal guardian of a pupil who has asthma or  
2 anaphylaxis to request authorization from the principal or, if applicable, the school  
3 nurse of the public school in which the pupil is enrolled to allow the pupil to self-  
4 administer medication for the treatment of asthma or anaphylaxis while the pupil is  
5 on the grounds of a public school, at an activity sponsored by the public school or  
6 on a school bus. Existing law provides that if the request contains certain specified  
7 information, the principal or, if applicable, the school nurse is required to approve  
8 the request. (NRS 392.425) This bill similarly allows the parent or legal guardian of  
9 a pupil who has diabetes to request an authorization to self-administer medication  
10 for the treatment of diabetes and requires the principal or, if applicable, school  
11 nurse to approve the request if the request contains certain information. This bill  
12 also requires a public school to: (1) establish protocols for containing blood-borne  
13 pathogens and the handling and disposal of needles, medical devices and other  
14 medical waste; and (2) provide a copy of these protocols to the parent or legal  
15 guardian of a pupil who requests permission to allow the pupil to self-administer  
16 medication.



\* A B 2 8 5 R 1 \*

17 Existing law provides that the board of trustees of a school district, a school  
18 district and a public school and any employee or agent thereof are immune from  
19 liability for the injury to or death of a pupil as a result of the self-administration of  
20 medication. (NRS 392.425) This bill extends that immunity from liability to those  
21 persons for any injury or death caused by exposure to certain medical devices or  
22 medical waste from the self-administration of medication by a pupil.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 392.425 is hereby amended to read as follows:  
2 392.425 1. The parent or legal guardian of a pupil who has  
3 asthma , ~~and~~ anaphylaxis *or diabetes* may submit a written request  
4 to the principal or, if applicable, the school nurse of the public  
5 school in which the pupil is enrolled to allow the pupil to  
6 self-administer medication for the treatment of the pupil's asthma ,  
7 ~~and~~ anaphylaxis *or diabetes* while the pupil is on the grounds of a  
8 public school, participating in an activity sponsored by a public  
9 school or on a school bus.  
10 2. *A public school shall establish protocols for containing*  
11 *blood-borne pathogens and the handling and disposal of needles,*  
12 *medical devices and other medical waste and provide a copy of*  
13 *these protocols and procedures to the parent or guardian of a*  
14 *pupil who requests permission for the pupil to self-administer*  
15 *medication pursuant to subsection 1.*  
16 3. A written request made pursuant to subsection 1 must  
17 include:  
18 (a) A signed statement of a physician indicating that the pupil  
19 has asthma , ~~and~~ anaphylaxis *or diabetes* and is capable of  
20 self-administration of the medication while the pupil is on the  
21 grounds of a public school, participating in an activity sponsored by  
22 a public school or on a school bus;  
23 (b) A written treatment plan prepared by the physician pursuant  
24 to which the pupil will manage his or her asthma , ~~and~~ anaphylaxis  
25 *or diabetes* if the pupil experiences an asthmatic attack , ~~and~~  
26 anaphylactic shock *or diabetic episode* while on the grounds of a  
27 public school, participating in an activity sponsored by a public  
28 school or on a school bus; and  
29 (c) A signed statement of the parent or legal guardian:  
30 (1) Indicating that the parent or legal guardian grants  
31 permission for the pupil to self-administer the medication while the  
32 pupil is on the grounds of a public school, participating in an  
33 activity sponsored by a public school or on a school bus; ~~and~~  
34 (2) Acknowledging that the parent or legal guardian is aware  
35 of and understands the provisions of subsections ~~3~~ 4 and ~~4~~ 5;



1 ~~13.1~~ (3) *Acknowledging the receipt of the protocols provided*  
2 *pursuant to subsection 2;*

3 (4) *Acknowledging that the protocols established pursuant*  
4 *to subsection 2 have been explained to the pupil who will self-*  
5 *administer the medication and that he or she has agreed to comply*  
6 *with the protocols; and*

7 (5) *Acknowledging that authorization to self-administer*  
8 *medication pursuant to this section may be revoked if the pupil*  
9 *fails to comply with the protocols established pursuant to*  
10 *subsection 2.*

11 4. The provisions of this section do not create a duty for the  
12 board of trustees of the school district, the school district, the public  
13 school in which the pupil is enrolled, or an employee or agent  
14 thereof, that is in addition to those duties otherwise required in the  
15 course of service or employment.

16 ~~14.1~~ 5. If a pupil is granted authorization pursuant to this  
17 section to self-administer medication, the board of trustees of the  
18 school district, the school district and the public school in which the  
19 pupil is enrolled, and any employee or agent thereof, are immune  
20 from liability for the injury to or death of ~~the~~ :

21 (a) *The* pupil as a result of self-administration of a medication  
22 pursuant to this section or the failure of the pupil to self-administer  
23 such a medication ~~;~~

24 ~~—5.1~~ ; and

25 (b) *Any other person as a result of exposure to or injury*  
26 *caused by needles, medical devices or other medical waste from*  
27 *the self-administration of medication by a pupil pursuant to this*  
28 *section.*

29 6. Upon receipt of a request that complies with subsection ~~12.1~~  
30 3, the principal or, if applicable, the school nurse of the public  
31 school in which a pupil is enrolled shall provide written  
32 authorization for the pupil to carry and self-administer medication to  
33 treat his or her asthma , ~~or~~ anaphylaxis *or diabetes* while the pupil  
34 is on the grounds of a public school, participating in an activity  
35 sponsored by a public school or on a school bus. The written  
36 authorization must be filed with the principal or, if applicable, the  
37 school nurse of the public school in which the pupil is enrolled and  
38 must include:

39 (a) The name and purpose of the medication which the pupil is  
40 authorized to self-administer;

41 (b) The prescribed dosage and the duration of the prescription;

42 (c) The times or circumstances, or both, during which the  
43 medication is required or recommended for self-administration;

44 (d) The side effects that may occur from an administration of the  
45 medication; ~~and~~



1 (e) The name and telephone number of the pupil's physician and  
2 the name and telephone number of the person to contact in the case  
3 of a medical emergency concerning the pupil ~~f~~.

4 ~~—6.f; and~~

5 *(f) The procedures for the handling and disposal of needles,*  
6 *medical devices and other medical waste.*

7 7. The written authorization provided pursuant to subsection  
8 ~~f5.f~~ 6 is valid for 1 school year. If a parent or legal guardian submits  
9 a written request that complies with subsection ~~f2.f~~ 3, the principal  
10 or, if applicable, the school nurse of the public school in which the  
11 pupil is enrolled shall renew and, if necessary, revise the written  
12 authorization.

13 ~~f7.f~~ 8. If a parent or legal guardian of a pupil who is  
14 authorized pursuant to this section to carry medication on his or her  
15 person provides to the principal or, if applicable, the school nurse of  
16 the public school in which the pupil is enrolled doses of the  
17 medication in addition to the dosage that the pupil carries on his or  
18 her person, the principal or, if applicable, the school nurse shall  
19 ensure that the additional medication is:

20 (a) Stored on the premises of the public school in a location that  
21 is secure; and

22 (b) Readily available if the pupil experiences an asthmatic attack  
23 , ~~f6.f~~ anaphylactic shock *or diabetic episode* during school hours.

24 ~~f8.f~~ 9. As used in this section:

25 (a) "Medication" means any medicine prescribed by a physician  
26 for the treatment of anaphylaxis , ~~f6.f~~ asthma ~~f1.f~~ *or diabetes,*  
27 including, without limitation, asthma inhalers , ~~fand~~ auto-injectable  
28 epinephrine ~~f1.f~~ *and insulin.*

29 (b) "Physician" means a person who is licensed to practice  
30 medicine pursuant to chapter 630 of NRS or osteopathic medicine  
31 pursuant to chapter 633 of NRS.

32 (c) "Self-administer" means the auto-administration of a  
33 medication pursuant to the prescription for the medication or written  
34 directions for such a medication.

35 **Sec. 2.** This act becomes effective on July 1, 2015.

