

1 HB196  
2 138381-3  
3 By Representative Tuggle  
4 RFD: Education Policy  
5 First Read: 14-JAN-14

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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

21  
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:

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

3           Section 2. Section 16-1-39 of the Code of Alabama  
4 1975, is amended to read as follows:

5           "§16-1-39.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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