

**PROPOSED AMENDMENTS TO
HOUSE BILL 2749**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 339.866 is amended to read:

4 “339.866. (1) As used in this section:

5 “(a) ‘Asthma’ means a chronic inflammatory disorder of the airways that
6 requires ongoing medical intervention.

7 “(b) ‘Medication’ means any prescription for bronchodilators or
8 autoinjectable epinephrine prescribed by a student’s Oregon licensed health
9 care professional for asthma or severe allergies.

10 “(c) ‘Severe allergy’ means a life-threatening hypersensitivity to a specific
11 substance such as food, pollen or dust.

12 “(2) A school district board shall adopt policies and procedures that pro-
13 vide for self-administration of medication by kindergarten through grade 12
14 students with asthma or severe allergies:

15 “(a) In school;

16 “(b) At a school-sponsored activity;

17 “(c) While under the supervision of school personnel;

18 “(d) In before-school or after-school care programs on school-owned prop-
19 erty; and

20 “(e) In transit to or from school or school-sponsored activities.

21 “(3) The policies and procedures shall:

22 “(a) Require that an Oregon licensed health care professional prescribe

1 the medication to be used by the student during school hours and instruct
2 the student in the correct and responsible use of the medication;

3 “(b) Require that an Oregon licensed health care professional, acting
4 within the scope of the person’s license, formulate a written treatment plan
5 for managing the student’s asthma or severe allergy and for the use of
6 medication by the student during school hours;

7 “(c) Require that the parent or guardian of the student submit to the
8 school any written documentation required by the school, including any
9 documents related to liability;

10 “(d) Require that backup medication, if provided by a student’s parent or
11 guardian, be kept at the student’s school in a location to which the student
12 has immediate access in the event the student has an asthma or severe
13 allergy emergency;

14 “(e) **Require the establishment of a process by which the parent or**
15 **guardian of a student may request in writing that backup prescribed**
16 **autoinjectable epinephrine be kept at a reasonably secure location in**
17 **a student’s classroom if:**

18 “(A) **The location identified under paragraph (d) of this subsection**
19 **is not the student’s classroom; and**

20 “(B) **A licensed health care professional verifies in writing that lack**
21 **of immediate access to autoinjectable epinephrine may be life threat-**
22 **ening to the student.**

23 “[e] (f) Require that a school request from the student’s parent or
24 guardian that the parent or guardian provide medication for emergency use
25 by the student; and

26 “[f] (g) Allow a school to revoke its permission for a student to self-
27 administer medication if the student does not responsibly self-administer the
28 medication or abuses the use of the medication.

29 “(4) A school district board may impose other policies and procedures that
30 the board determines are necessary to protect a student with asthma or a

1 severe allergy.

2 “(5) A school district board may not require school personnel who have
3 not received appropriate training to assist a student with asthma or a severe
4 allergy with self-administration of medication.

5 “(6) This section does not apply to youth correctional facilities.

6 **“SECTION 2.** ORS 339.871 is amended to read:

7 “339.871. (1) A school administrator, school nurse, teacher or other school
8 employee designated by the school administrator is not liable in a criminal
9 action or for civil damages as a result of a student’s [*self-administration*] **use**
10 of medication, as described in ORS 339.866, if the school administrator,
11 school nurse, teacher or other school employee, in compliance with the in-
12 structions of the student’s Oregon licensed health care professional, in good
13 faith:

14 **“(a) Assists the student’s self-administration of the medication, if the**
15 **medication is available to the student** pursuant to written permission and
16 instructions of the student’s parent, guardian or Oregon licensed health care
17 professional[.]; **or**

18 **“(b) Administers autoinjectable epinephrine to a student with a se-**
19 **vere allergy who is unable to self-administer the medication, if the**
20 **autoinjectable epinephrine is available for the student pursuant to**
21 **written permission and instructions of the student’s parent, guardian**
22 **or Oregon licensed health care professional.**

23 **“(2) A school district and the members of a school district board**
24 **are not liable in a criminal action or for civil damages as a result of**
25 **a student’s use of medication, as described in ORS 339.866, if:**

26 **“(a) Any person in good faith administers autoinjectable**
27 **epinephrine to a student with a severe allergy who is unable to self-**
28 **administer the medication;**

29 **“(b) The person administered the autoinjectable epinephrine at a**
30 **school, on school property under the jurisdiction of the district or at**

1 **an activity under the jurisdiction of the school district; and**

2 **“(c) The autoinjectable epinephrine is available for the student**
3 **pursuant to written permission and instructions of the student’s par-**
4 **ent, guardian or Oregon licensed health care professional.**

5 **“[(2)] (3) The civil and criminal immunities imposed by this section do**
6 **not apply to an act or omission amounting to gross negligence or willful and**
7 **wanton misconduct.**

8 **“SECTION 3. This 2013 Act being necessary for the immediate**
9 **preservation of the public peace, health and safety, an emergency is**
10 **declared to exist, and this 2013 Act takes effect July 1, 2013.”.**

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