

Introduced by

Senators G. Lee, Freborg, Taylor

Representatives Hunskor, Porter, Price

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to students' possession and self-administration of medication for the
3 treatment of asthma and anaphylaxis.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Asthma - Anaphylaxis - Self-administration of medication by student - Liability.**

- 8 1. A student who has been diagnosed with asthma or anaphylaxis may possess and
9 self-administer emergency medication for the treatment of such conditions
10 provided the student's parent files with the school a document that is signed by the
11 student's health care provider and which:
- 12 a. Indicates that the student has been instructed in the self-administration of
13 emergency medication for the treatment of asthma or anaphylaxis;
- 14 b. Lists the name, dosage, and frequency of all medication prescribed to the
15 student for use in the treatment of the student's asthma or anaphylaxis; and
- 16 c. Includes guidelines for the treatment of the student in the case of an
17 asthmatic episode or anaphylaxis.
- 18 2. Neither a private school or a school district nor any employee of the private school
19 or district is liable for civil damages incurred by:
- 20 a. A student who administers emergency medication to himself or herself in
21 accordance with subsection 1.
- 22 b. An individual because a student was permitted to possess emergency
23 medication in accordance with subsection 1.

- 1 3. For purposes of this section, "emergency medication" includes a prescription drug
- 2 delivered by inhalation to alleviate asthmatic symptoms and an epinephrine
- 3 autoinjectable pen.