Sixty-fourth Legislative Assembly of North Dakota

## HOUSE BILL NO. 1423

Introduced by

Representatives Mitskog, P. Anderson, Rick C. Becker, Muscha

- 1 A BILL for an Act to amend and reenact section 15.1-19-16 of the North Dakota Century Code,
- 2 relating to epinephrine autoinjectable pens.

## 3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1. AMENDMENT.** Section 15.1-19-16 of the North Dakota Century Code is

5 amended and reenacted as follows:

15.1-19-16. Asthma - Anaphylaxis - Self-administration of medication by student Liability.

8	1.	<u>a.</u>	A st	udent who has been diagnosed with asthma or anaphylaxis may possess and
9			self	-administer emergency medication for the treatment of such conditions
10			prov	vided the student's parent files with the school a document that is signed by
11			the	student's health care provider and which:
12		<del>a.</del>	(1)	Indicates that the student has been instructed in the self-administration of
13				emergency medication for the treatment of asthma or anaphylaxis;
14		<del>b.</del>	<u>(2)</u>	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		<del>C.</del>	<u>(3)</u>	Includes guidelines for the treatment of the student in the case of an
17				asthmatic episode or anaphylaxis.
18	<del>2.</del>	<u>b.</u>	Neit	ther a private school or a school district nor any employee of the private
19			sch	ool or district is liable for civil damages incurred by:
20		<del>a.</del>	<u>(1)</u>	A student who administers emergency medication to himself or herself in
21				accordance with subsection 1.
22		<del>b.</del>	<u>(2)</u>	An individual because a student was permitted to possess emergency
23				medication in accordance with subsection 1.

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1	<del>3.</del>	<u>C.</u>	For purposes of this section, "emergency medication" includes a prescription
2			drug delivered by inhalation to alleviate asthmatic symptoms and an epinephrine
3			autoinjectable pen.
4	<u>2.</u>	<u>a.</u>	Whenever a school district enrolls a student who has been diagnosed with
5			anaphylaxis, that district shall require during all regular school hours and at all
6			school-sponsored events in which a diagnosed student participates, there is
7			present at least one adult who has:
8			(1) Access to an epinephrine autoinjectable pen;
9			(2) Been trained in the use of the pen; and
10			(3) Committed in writing to assist the student in the event the student is unable
11			to self-administer the contents of the pen.
12		<u>b.</u>	Neither a school district nor any employee of a school district is liable for civil
13			damages incurred as a result of assisting a student in accordance with this
14			subsection.