## Fifty-ninth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2005

SENATE BILL NO. 2163 (Senators G. Lee, Freborg, Taylor) (Representatives Hunskor, Porter, Price)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to students' possession and self-administration of medication for the treatment of asthma and anaphylaxis.

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

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

## Asthma - Anaphylaxis - Self-administration of medication by student - Liability.

- 1. A student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent files with the school a document that is signed by the student's health care provider and which:
  - a. Indicates that the student has been instructed in the self-administration of emergency medication for the treatment of asthma or anaphylaxis;
  - b. Lists the name, dosage, and frequency of all medication prescribed to the student for use in the treatment of the student's asthma or anaphylaxis; and
  - c. Includes guidelines for the treatment of the student in the case of an asthmatic episode or anaphylaxis.
- 2. Neither a private school or a school district nor any employee of the private school or district is liable for civil damages incurred by:
  - A student who administers emergency medication to himself or herself in accordance with subsection 1.
  - An individual because a student was permitted to possess emergency medication in accordance with subsection 1.
- 3. For purposes of this section, "emergency medication" includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and an epinephrine autoinjectable pen.

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	President of the Senate  Secretary of the Senate					Speaker of the House  Chief Clerk of the House	
						enate of the F s Senate Bill I	Fifty-ninth Legislative Assembl No. 2163.
Senate Vote	e: Y	eas	44	Nays	0	Absent	3
House Vote:	: Y	eas	89	Nays	0	Absent	5
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Filed in this office this day of					f		, 2005
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