

LEGISLATIVE FISCAL ESTIMATE: Yes

A2590

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to S1372

(Educ.) **COMMITTEE STATEMENT:** **ASSEMBLY:** Yes 11-13-00

12-7-00 (Appopr.)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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SENATE, No. 1372

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 25, 2000

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2000)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
9 read as follows:

10 1. a. A board of education or the governing board or chief school
11 administrator of a nonpublic school **[may]** shall permit the
12 self-administration of medication by a pupil for asthma or other
13 potentially life-threatening illnesses provided that:

14 **[a.]** (1) the parents or guardians of the pupil provide to the board
15 of education or the governing board or chief school administrator of
16 a nonpublic school written authorization for the self-administration of
17 medication;

18 **[b.]** (2) the parents or guardians of the pupil provide to the board
19 of education or the governing board or chief school administrator of
20 a nonpublic school written certification from the physician of the pupil
21 that the pupil has asthma or another potentially life-threatening illness
22 and is capable of, and has been instructed in, the proper method of
23 self-administration of medication;

24 **[c.** the board of education or the governing board or chief school
25 administrator of a nonpublic school informs the parents or guardians
26 of the pupil in writing that the district and its employees or agents or
27 the nonpublic school and its employees or agents shall incur no liability
28 as a result of any injury arising from the self-administration of
29 medication by the pupil;

30 **d.** the parents or guardians of the pupil sign a statement
31 acknowledging that the district or the nonpublic school shall incur no
32 liability as a result of any injury arising from the self-administration of
33 medication by the pupil and that the parents or guardians shall
34 indemnify and hold harmless the district and its employees or agents
35 or the nonpublic school and its employees or agents against any claims
36 arising out of the self-administration of medication by the pupil;]

37 **[e.]** (3) the permission is effective for the school year for which it
38 is granted and is renewed for each subsequent school year upon
39 fulfillment of the requirements in **[subsections a. through d.]**
40 paragraphs (1) and (2) of this [section] subsection.

41 b. Notwithstanding any other law or regulation to the contrary, a
42 pupil who is permitted to self-administer medication under the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provisions of this section shall be permitted to carry an inhaler at all
2 times, provided that the pupil does not endanger himself or other
3 persons through misuse.

4 c. Any person who acts in good faith in accordance with the
5 requirements of this section shall be immune from any civil or criminal
6 liability arising from actions performed pursuant to this section.

7 (cf: P.L.1997, c.21, s. 1)

8
9 2. (New section) Each public school in the State shall have and
10 maintain for the use of pupils at least one nebulizer in the office of the
11 school nurse or a similar accessible location.

12
13 3. (New section) The State Board of Education, in consultation
14 with the Commissioner of Health and Senior Services, shall adopt
15 regulations requiring each public school board of education to develop
16 policies for the administration of asthma medication through the use
17 of a nebulizer by the school nurse or other school-based health care
18 professional. The regulations shall include:

19 a. a requirement that each certified nurse or other health care
20 professional authorized to provide health care to pupils receive
21 training in airway management and in the use of nebulizers and inhalers
22 consistent with nationally recognized standards, including, but not
23 limited to, those of the National Institutes of Health and the American
24 Association of Allergy and Immunology; and

25 b. a requirement that each pupil authorized to use asthma
26 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
27 have an asthma treatment plan prepared by the physician of the pupil,
28 which shall identify, at a minimum, asthma triggers, the treatment plan,
29 and such other elements as shall be determined by the State Board of
30 Education.

31
32 4. (New section) The Commissioner of Education shall ensure that
33 annual asthma education opportunities are made available for medical
34 inspectors and all members of the teaching staff.

35
36 5. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill revises the procedures for the self-administration of
42 medication by a pupil for asthma or other potentially life-threatening
43 illnesses. Under the bill, the requirements concerning liability would
44 be replaced by a grant of immunity for any person who acts in good
45 faith in accordance with the requirements of the statute.

46 The bill would allow any pupil who is permitted to self-administer

1 medication to carry an inhaler at all times, provided that the pupil does
2 not endanger himself or other persons through misuse, and each public
3 school would be required to have and maintain at least one nebulizer
4 in an accessible location.

5 Under regulations adopted by the State Board of Education, in
6 consultation with the Commissioner of Health and Senior Services,
7 each board of education would be required to develop policies for the
8 administration of asthma medication through the use of a nebulizer by
9 the school nurse or other school-based health care professional. The
10 regulations would include requirements that each certified nurse or
11 other health care professional authorized to provide health care to
12 pupils receive training in airway management and in the use of
13 nebulizers and inhalers and that each pupil authorized to use asthma
14 medication have an asthma treatment plan prepared by the physician
15 of the pupil.

16 The Commissioner of Education is directed to ensure that annual
17 asthma education opportunities are made available for medical
18 inspectors and all members of the teaching staff.

19 In New Jersey, the incidence of pediatric asthma and allergy-related
20 asthma is rising. The onset of asthma attacks are sudden, and, if not
21 promptly and properly treated, potentially fatal. School nurses play an
22 important role in identifying and treating pediatric asthma, and in
23 educating families and school personnel in prevention and response.
24 This bill will enable school nurses to play a more active and effective
25 role in addressing the problem of asthma.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1372

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Senate Education Committee reports favorably and with committee amendments Senate Bill No. 1372.

As amended, this bill revises the procedures for the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse, and each public and nonpublic school would be required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the physician of the pupil.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

Committee amendments were adopted which: 1) restore the requirements for statements regarding liability; 2) require nonpublic schools also to have and maintain a nebulizer; 3) clarify the definition of health care professional; 4) provide for reimbursement to public and nonpublic schools of costs to implement the provisions of the bill and authorize the Department of Education to accept contributions of funds for the reimbursement; and 5) and move the effective date of the act to the 180th day after enactment.

[First Reprint]

SENATE, No. 1372

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 25, 2000

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator DIANE ALLEN

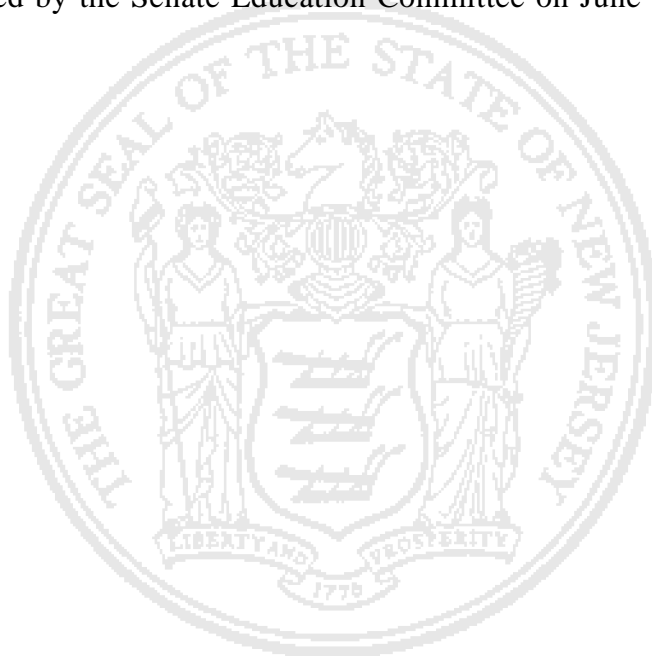
District 7 (Burlington and Camden)

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on June 19, 2000, with amendments.



(Sponsorship Updated As Of: 6/9/2000)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
9 read as follows:

10 1. a. A board of education or the governing board or chief school
11 administrator of a nonpublic school **[may]** shall permit the
12 self-administration of medication by a pupil for asthma or other
13 potentially life-threatening illnesses provided that:

14 **[a.]** (1) the parents or guardians of the pupil provide to the board
15 of education or the governing board or chief school administrator of
16 a nonpublic school written authorization for the self-administration of
17 medication;

18 **[b.]** (2) the parents or guardians of the pupil provide to the board
19 of education or the governing board or chief school administrator of
20 a nonpublic school written certification from the physician of the pupil
21 that the pupil has asthma or another potentially life-threatening illness
22 and is capable of, and has been instructed in, the proper method of
23 self-administration of medication;

24 **[c.** the board of education or the governing board or chief school
25 administrator of a nonpublic school informs the parents or guardians
26 of the pupil in writing that the district and its employees or agents or
27 the nonpublic school and its employees or agents shall incur no liability
28 as a result of any injury arising from the self-administration of
29 medication by the pupil;

30 d. the parents or guardians of the pupil sign a statement
31 acknowledging that the district or the nonpublic school shall incur no
32 liability as a result of any injury arising from the self-administration of
33 medication by the pupil and that the parents or guardians shall
34 indemnify and hold harmless the district and its employees or agents
35 or the nonpublic school and its employees or agents against any claims
36 arising out of the self-administration of medication by the pupil;]

37 ¹(3) the board of education or the governing board or chief school
38 administrator of a nonpublic school informs the parents or guardians
39 of the pupil in writing that the district and its employees or agents or
40 the nonpublic school and its employees or agents shall incur no liability
41 as a result of any injury arising from the self-administration of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 19, 2000.

1 medication by the pupil:

2 (4) the parents or guardians of the pupil sign a statement
3 acknowledging that the district or the nonpublic school shall incur no
4 liability as a result of any injury arising from the self-administration of
5 medication by the pupil and that the parents or guardians shall
6 indemnify and hold harmless the district and its employees or agents
7 or the nonpublic school and its employees or agents against any claims
8 arising out of the self-administration of medication by the pupil;¹ and

9 [e.]¹ [(3)] (5)¹ the permission is effective for the school year for
10 which it is granted and is renewed for each subsequent school year
11 upon fulfillment of the requirements in [subsections a. through d.]
12 paragraphs (1)¹ [and (2)] through (4)¹ of this [section] subsection.

13 b. Notwithstanding any other law or regulation to the contrary, a
14 pupil who is permitted to self-administer medication under the
15 provisions of this section shall be permitted to carry an inhaler at all
16 times, provided that the pupil does not endanger himself or other
17 persons through misuse.

18 c. Any person who acts in good faith in accordance with the
19 requirements of this act shall be immune from any civil or criminal
20 liability arising from actions performed pursuant to this act.

21 (cf: P.L.1997, c.21, s. 1)

22

23 2. (New section) Each public ¹and nonpublic¹ school in the State
24 shall have and maintain for the use of pupils at least one nebulizer in
25 the office of the school nurse or a similar accessible location

26

27 3. (New section) The State Board of Education, in consultation
28 with the Commissioner of Health and Senior Services, shall adopt
29 regulations requiring each public school board of education to develop
30 policies for the administration of asthma medication through the use
31 of a nebulizer by the school nurse or other ¹[school-based health care
32 professional] person authorized by regulation¹. The regulations shall
33 include:

34 a. a requirement that each certified nurse or other ¹[health care
35 professional] person¹ authorized to ¹[provide health care to pupils]
36 administer asthma medication¹ receive training in airway management
37 and in the use of nebulizers and inhalers consistent with nationally
38 recognized standards, including, but not limited to, those of the
39 National Institutes of Health and the American Association of Allergy
40 and Immunology; and

41 b. a requirement that each pupil authorized to use asthma
42 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
43 ¹or a nebulizer¹ have an asthma treatment plan prepared by the
44 physician of the pupil, which shall identify, at a minimum, asthma
45 triggers, the treatment plan, and such other elements as shall be
46 determined by the State Board of Education.

1 4. (New section) The Commissioner of Education shall ensure that
2 annual asthma education opportunities are made available for medical
3 inspectors and all members of the teaching staff.

4
5 5. (New Section) A public or nonpublic school shall apply to the
6 Department of Education for reimbursement of the costs incurred in
7 implementing the provisions of this act. The department is authorized
8 to accept contributions of funds to reimburse public and nonpublic
9 schools for those costs.¹

10
11 5.1 ¹[5.] 6.1 This act shall take effect ¹[immediately] on the 180th
12 day after enactment, but the Commissioner of Education may take
13 such anticipatory administrative action in advance as shall be necessary
14 for the implementation of the act¹.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1372

STATE OF NEW JERSEY

DATED: SEPTEMBER 25, 2000

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1372 (1R).

This bill revises the law allowing school boards and private school administrators to permit self-administration by school pupils of medication for asthma or other potentially life-threatening illnesses. The bill makes it mandatory for these school officials to permit such self-medication.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. In addition, each public and nonpublic school would be required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the pupil's physician.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

FISCAL IMPACT

The Department of Education indicates that as of school year 1998-99, there were 3,437 public and nonpublic schools in the State and that the average cost of a nebulizer is \$100. Thus the minimum cost to the department to reimburse public and nonpublic schools for the purchase of nebulizers would be \$343,700. The department also indicates that there are other costs associated with the bill, including those for maintaining and storing nebulizers, for training nurses or other persons to administer asthma medication, and for annual asthma education for medical inspectors and teaching staff. These costs are indeterminable at this time. The department further notes that nonpublic schools do not have the same requirements under law with respect to having a school nurse on school premises, so that the bill's requirements may increase costs appreciably for nonpublic schools.

The Office of Legislative Services (OLS) agrees with the Department of Education's estimate of the minimum cost of purchasing nebulizers; the OLS also agrees that beyond that minimum cost, all other costs are indeterminable. The OLS further notes that while the bill authorizes the department to accept contributions of funds to offset the cost of reimbursing public and nonpublic schools, it does not authorize the department to accept donations of materials.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1372

STATE OF NEW JERSEY

209th LEGISLATURE

DATED: OCTOBER 6, 2000

SUMMARY

- Synopsis:** Revises procedure for self-administration by school pupils of medication for asthma or other potentially life-threatening illnesses.
- Type of Impact:** Expenditure increase from FY 2001 Department of Education appropriation to reimburse the costs to public and nonpublic schools of implementing the requirements of the bill. No additional appropriation is provided in the bill.
- Agencies Affected:** Department of Education and public and nonpublic schools.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	minimum of \$343,700	indeterminate (see discussion)	
Local Cost	initial outlay by public and nonpublic schools to be reimbursed by Department of Education	indeterminate (see discussion)	

- ! This bill requires each public and nonpublic school to have and maintain at least one nebulizer for the use of pupils in the office of the school nurse or a similar accessible location and requires training for each school nurse or other authorized person in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards.
- ! The bill also requires each pupil authorized to use asthma medication or a nebulizer to have an asthma treatment plan prepared by the physician of the pupil and directs the Commissioner of Education to assure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

BILL DESCRIPTION

Senate Bill No. 1372 (1R) of 2000 revises the procedures for the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. The bill would require each public and nonpublic school to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the physician of the pupil.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information received from the Department of Education indicates that as of school year 1998-99, there were 3,437 public and nonpublic schools in the State and that the average cost of a nebulizer is \$100. The minimum cost to the department to reimburse public and nonpublic schools for the purchase of nebulizers would be \$343,700. The department also indicates that there are other costs associated with the bill including: the maintenance of nebulizers which requires the nebulizer to be washed in warm soapy water after each use, a storage place to keep tubing dry, and the blowing of air through the equipment before any new treatment; training for each nurse or other person authorized to administer asthma medication; and annual asthma education for medical inspectors and all teaching staff. The costs of this training is indeterminable at this time. The department further notes that nonpublic schools do not have the same requirements under law with respect to having a school nurse on school premises and, therefore, the requirements of this bill may increase costs appreciably for nonpublic schools.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) agrees with the Department of Education's estimate that the minimum cost of the bill in the first year will be \$343,700 to purchase nebulizers. The

office also agrees that beyond that minimum cost estimate, all other costs are indeterminable at this time. The office further notes that the bill provides that the department may accept contributions of funds to offset the costs of reimbursing public and nonpublic schools; however the bill does not authorize the department to accept donations of materials.

Section: *Education*

Analyst: *Theodore C. Settle*
Lead Research Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1372

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2000

The Assembly Education Committee favorably reports Senate Bill No. 1372 (1R).

This bill revises the law allowing school boards and nonpublic school administrators to permit self-administration by school pupils of medication for asthma or other potentially life-threatening illnesses. The bill makes it mandatory for these school officials to permit such self-medication.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. In addition, each public and nonpublic school would be required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the pupil's physician.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

This bill is identical to Assembly Bill No.2590 as amended by the committee.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1372

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 1372 (1R) with committee amendments.

Senate Bill No. 1372 (1R), as amended, revises the law allowing school boards and private school administrators to permit self-administration by a pupil of medication for asthma or other potentially life-threatening illnesses. The bill makes it mandatory for these school officials to permit such self-medication.

The bill allows any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. Each public and nonpublic school is required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education is required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education (DOE) for reimbursement of the costs incurred in implementing the provisions of the bill, and the DOE is authorized to accept contributions of funds to reimburse schools for those costs.

The bill appropriates \$344,000 to the Department of Education for the purposes of reimbursing the costs of nebulizer purchases by public and nonpublic schools.

As amended and reported, this bill is identical to Assembly Bill No. 2590 (1R), as also amended and reported by the committee.

FISCAL IMPACT:

The DOE indicates that as of school year 1998-99, there were 3,437 public and nonpublic schools in the State and that the average cost of a nebulizer is \$100. Thus the minimum cost to the DOE to reimburse public and nonpublic schools for the purchase of nebulizers would be \$343,700. The DOE also indicates that there are other costs associated with the bill, including those for maintaining and storing nebulizers, for training nurses or other persons to administer asthma medication, and for annual asthma education for medical inspectors and teaching staff. These costs are indeterminable at this time. The DOE further notes that nonpublic schools do not have the same requirements under law with respect to having a school nurse on school premises, so that the bill's requirements may increase costs appreciably for nonpublic schools.

The bill appropriates \$344,000 to the Department of Education for the purposes of reimbursing the costs of nebulizer purchases by public and nonpublic schools.

COMMITTEE AMENDMENTS:

The amendments appropriate \$344,000 to the Department of Education.

[Second Reprint]
SENATE, No. 1372

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 25, 2000

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

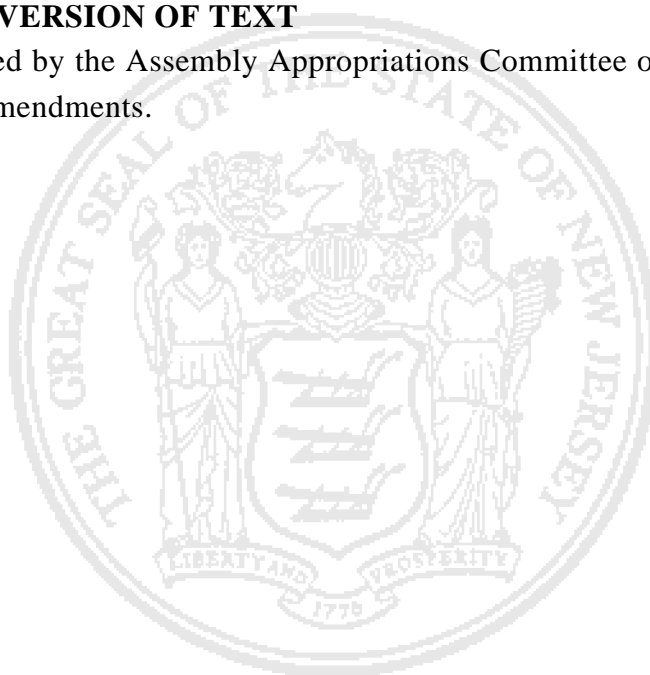
Assemblymen DiGaetano, Moran and Assemblywoman Heck

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma, appropriates \$344,000.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 7, 2000, with amendments.



(Sponsorship Updated As Of: 1/30/2001)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes², and making an
4 appropriation².

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
10 read as follows:

11 1. a. A board of education or the governing board or chief school
12 administrator of a nonpublic school **[may]** shall permit the
13 self-administration of medication by a pupil for asthma or other
14 potentially life-threatening illnesses provided that:

15 **[a.]** (1) the parents or guardians of the pupil provide to the board
16 of education or the governing board or chief school administrator of
17 a nonpublic school written authorization for the self-administration of
18 medication;

19 **[b.]** (2) the parents or guardians of the pupil provide to the board
20 of education or the governing board or chief school administrator of
21 a nonpublic school written certification from the physician of the pupil
22 that the pupil has asthma or another potentially life-threatening illness
23 and is capable of, and has been instructed in, the proper method of
24 self-administration of medication;

25 **[c.** the board of education or the governing board or chief school
26 administrator of a nonpublic school informs the parents or guardians
27 of the pupil in writing that the district and its employees or agents or
28 the nonpublic school and its employees or agents shall incur no liability
29 as a result of any injury arising from the self-administration of
30 medication by the pupil;

31 d. the parents or guardians of the pupil sign a statement
32 acknowledging that the district or the nonpublic school shall incur no
33 liability as a result of any injury arising from the self-administration of
34 medication by the pupil and that the parents or guardians shall
35 indemnify and hold harmless the district and its employees or agents
36 or the nonpublic school and its employees or agents against any claims
37 arising out of the self-administration of medication by the pupil;]

38 ¹(3) the board of education or the governing board or chief school
39 administrator of a nonpublic school informs the parents or guardians
40 of the pupil in writing that the district and its employees or agents or
41 the nonpublic school and its employees or agents shall incur no liability

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 19, 2000.

² Assembly AAP committee amendments adopted December 7, 2000.

1 as a result of any injury arising from the self-administration of
2 medication by the pupil;

3 (4) the parents or guardians of the pupil sign a statement
4 acknowledging that the district or the nonpublic school shall incur no
5 liability as a result of any injury arising from the self-administration of
6 medication by the pupil and that the parents or guardians shall
7 indemnify and hold harmless the district and its employees or agents
8 or the nonpublic school and its employees or agents against any claims
9 arising out of the self-administration of medication by the pupil;¹ and

10 [e.]¹ [(3)] (5)¹ the permission is effective for the school year for
11 which it is granted and is renewed for each subsequent school year
12 upon fulfillment of the requirements in [subsections a. through d.]
13 paragraphs (1) ¹[and (2)] through (4)¹ of this [section] subsection.

14 b. Notwithstanding any other law or regulation to the contrary, a
15 pupil who is permitted to self-administer medication under the
16 provisions of this section shall be permitted to carry an inhaler at all
17 times, provided that the pupil does not endanger himself or other
18 persons through misuse.

19 c. Any person who acts in good faith in accordance with the
20 requirements of this act shall be immune from any civil or criminal
21 liability arising from actions performed pursuant to this act.

22 (cf: P.L.1997, c.21, s. 1)

23

24 2. (New section) Each public ¹and nonpublic¹ school in the State
25 shall have and maintain for the use of pupils at least one nebulizer in
26 the office of the school nurse or a similar accessible location

27

28 3. (New section) The State Board of Education, in consultation
29 with the Commissioner of Health and Senior Services, shall adopt
30 regulations requiring each public school board of education to develop
31 policies for the administration of asthma medication through the use
32 of a nebulizer by the school nurse or other ¹[school-based health care
33 professional] person authorized by regulation¹. The regulations shall
34 include:

35 a. a requirement that each certified nurse or other ¹[health care
36 professional] person¹ authorized to ¹[provide health care to pupils]
37 administer asthma medication¹ receive training in airway management
38 and in the use of nebulizers and inhalers consistent with nationally
39 recognized standards, including, but not limited to, those of the
40 National Institutes of Health and the American Association of Allergy
41 and Immunology; and

42 b. a requirement that each pupil authorized to use asthma
43 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
44 ¹or a nebulizer¹ have an asthma treatment plan prepared by the
45 physician of the pupil, which shall identify, at a minimum, asthma

1 triggers, the treatment plan, and such other elements as shall be
2 determined by the State Board of Education.

3

4 4. (New section) The Commissioner of Education shall ensure that
5 annual asthma education opportunities are made available for medical
6 inspectors and all members of the teaching staff.

7

8 ¹5. (New Section) A public or nonpublic school shall apply to the
9 Department of Education for reimbursement of the costs incurred in
10 implementing the provisions of this act. The department is authorized
11 to accept contributions of funds to reimburse public and nonpublic
12 schools for those costs.¹

13

14 ²6. There is appropriated from the General Fund to the Department
15 of Education \$344,000 for the purposes of reimbursing the costs of
16 nebulizer purchases by public and nonpublic schools pursuant to this
17 act.²

18

19 ¹[5.] ²[6.1] ^{7.}² This act shall take effect ¹[immediately] on the
20 180th day after enactment, but the Commissioner of Education may
21 take such anticipatory administrative action in advance as shall be
22 necessary for the implementation of the act¹.

ASSEMBLY, No. 2590

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 8, 2000

Sponsored by:

Assemblyman PAUL DIGAETANO

District 36 (Bergen, Essex and Passaic)

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2000)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
9 read as follows:

10 1. a. A board of education or the governing board or chief school
11 administrator of a nonpublic school **[may]** shall permit the
12 self-administration of medication by a pupil for asthma or other
13 potentially life-threatening illnesses provided that:

14 **[a.]** (1) the parents or guardians of the pupil provide to the board
15 of education or the governing board or chief school administrator of
16 a nonpublic school written authorization for the self-administration of
17 medication;

18 **[b.]** (2) the parents or guardians of the pupil provide to the board
19 of education or the governing board or chief school administrator of
20 a nonpublic school written certification from the physician of the pupil
21 that the pupil has asthma or another potentially life-threatening illness
22 and is capable of, and has been instructed in, the proper method of
23 self-administration of medication;

24 **[c.]** the board of education or the governing board or chief school
25 administrator of a nonpublic school informs the parents or guardians
26 of the pupil in writing that the district and its employees or agents or
27 the nonpublic school and its employees or agents shall incur no liability
28 as a result of any injury arising from the self-administration of
29 medication by the pupil;

30 **d.** the parents or guardians of the pupil sign a statement
31 acknowledging that the district or the nonpublic school shall incur no
32 liability as a result of any injury arising from the self-administration of
33 medication by the pupil and that the parents or guardians shall
34 indemnify and hold harmless the district and its employees or agents
35 or the nonpublic school and its employees or agents against any claims
36 arising out of the self-administration of medication by the pupil;] and

37 **[e.]** (3) the permission is effective for the school year for which it
38 is granted and is renewed for each subsequent school year upon
39 fulfillment of the requirements in **[subsections a. through d.]**
40 paragraphs (1) and (2) of this [section] subsection.

41 b. Notwithstanding any other law or regulation to the contrary, a
42 pupil who is permitted to self-administer medication under the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provisions of this section shall be permitted to carry an inhaler at all
2 times, provided that the pupil does not endanger himself or other
3 persons through misuse.

4 c. Any person who acts in good faith in accordance with the
5 requirements of this section shall be immune from any civil or criminal
6 liability arising from actions performed pursuant to this section.

7 (cf: P.L.1997, c.21, s. 1)

8
9 2. (New section) Each public school in the State shall have and
10 maintain for the use of pupils at least one nebulizer in the office of the
11 school nurse or a similar accessible location.

12
13 3. (New section) The State Board of Education, in consultation
14 with the Commissioner of Health and Senior Services, shall adopt
15 regulations requiring each public school board of education to develop
16 policies for the administration of asthma medication through the use
17 of a nebulizer by the school nurse or other school-based health care
18 professional. The regulations shall include:

19 a. a requirement that each certified nurse or other health care
20 professional authorized to provide health care to pupils receive
21 training in airway management and in the use of nebulizers and inhalers
22 consistent with nationally recognized standards, including, but not
23 limited to, those of the National Institutes of Health and the American
24 Association of Allergy and Immunology; and

25 b. a requirement that each pupil authorized to use asthma
26 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
27 have an asthma treatment plan prepared by the physician of the pupil,
28 which shall identify, at a minimum, asthma triggers, the treatment plan,
29 and such other elements as shall be determined by the State Board of
30 Education.

31
32 4. (New section) The Commissioner of Education shall ensure that
33 annual asthma education opportunities are made available for medical
34 inspectors and all members of the teaching staff.

35
36 5. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill revises the procedures for the self-administration of
42 medication by a pupil for asthma or other potentially life-threatening
43 illnesses. Under the bill, the requirements concerning liability would
44 be replaced by a grant of immunity for any person who acts in good
45 faith in accordance with the requirements of the statute.

46 The bill would allow any pupil who is permitted to self-administer

1 medication to carry an inhaler at all times, provided that the pupil does
2 not endanger himself or other persons through misuse, and each public
3 school would be required to have and maintain at least one nebulizer
4 in an accessible location.

5 Under regulations adopted by the State Board of Education, in
6 consultation with the Commissioner of Health and Senior Services,
7 each board of education would be required to develop policies for the
8 administration of asthma medication through the use of a nebulizer by
9 the school nurse or other school-based health care professional. The
10 regulations would include requirements that each certified nurse or
11 other health care professional authorized to provide health care to
12 pupils receive training in airway management and in the use of
13 nebulizers and inhalers and that each pupil authorized to use asthma
14 medication have an asthma treatment plan prepared by the physician
15 of the pupil.

16 The Commissioner of Education is directed to ensure that annual
17 asthma education opportunities are made available for medical
18 inspectors and all members of the teaching staff.

19 In New Jersey, the incidence of pediatric asthma and allergy-
20 related asthma is rising. The onset of asthma attacks are sudden, and,
21 if not promptly and properly treated, potentially fatal. School nurses
22 play an important role in identifying and treating pediatric asthma, and
23 in educating families and school personnel in prevention and response.
24 This bill will enable school nurses to play a more active and effective
25 role in addressing the problem of asthma.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2590
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: OCTOBER 6, 2000

SUMMARY

- Synopsis:** Revises procedure for self-administration by school pupils of medication for asthma or other potentially life-threatening illnesses.
- Type of Impact:** Expenditure increase from FY2001 Department of Education appropriation to reimburse the costs to public and nonpublic schools of implementing the requirements of the bill. No additional appropriation is provided in the bill.
- Agencies Affected:** Department of Education and public and nonpublic schools.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	minimum of 343,700	indeterminate (see discussion)	
Local Cost	initial outlay by public and nonpublic schools to be reimbursed by Department of Education	indeterminate (see discussion)	

- ! This bill requires each public and nonpublic school to have and maintain at least one nebulizer for the use of pupils in the office of the school nurse or a similar accessible location and requires training for each school nurse or other authorized person in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards.
- ! The bill also requires each pupil authorized to use asthma medication or a nebulizer to have an asthma treatment plan prepared by the physician of the pupil and directs the Commissioner of Education to assure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

BILL DESCRIPTION

Assembly Bill No. 2590 of 2000 revises the procedures for the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. The bill would require each public and nonpublic school to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the physician of the pupil.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information received from the Department of Education indicates that as of school year 1998-99, there were 3,437 public and nonpublic schools in the State and that the average cost of a nebulizer is \$100. The minimum cost to the department to reimburse public and nonpublic schools for the purchase of nebulizers would be \$343,700. The department also indicates that there are other costs associated with the bill including: the maintenance of nebulizers which requires the nebulizer to be washed in warm soapy water after each use, a storage place to keep tubing dry, and the blowing of air through the equipment before any new treatment; training for each nurse or other person authorized to administer asthma medication; and annual asthma education for medical inspectors and all teaching staff. The costs of this training is indeterminable at this time. The department further notes that nonpublic schools do not have the same requirements under law with respect to having a school nurse on school premises and, therefore, the requirements of this bill may increase costs appreciably for nonpublic schools.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) agrees with the Department of Education's estimate that the minimum cost of the bill in the first year will be \$343,700 to purchase nebulizers. The office also agrees that beyond that minimum cost estimate, all other costs are indeterminable at this time. The office further notes that the bill provides that the department may accept

contributions of funds to offset the costs of reimbursing public and nonpublic schools; however the bill does not authorize the department to accept donations of materials.

Section: *Education*

Analyst: *Theodore C. Settle*
Lead Research Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2590

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2000

The Assembly Education Committee favorably reports Assembly Bill No. 2590 with committee amendments.

This bill revises the law allowing school boards and nonpublic school administrators to permit self-administration by school pupils of medication for asthma or other potentially life-threatening illnesses. The bill makes it mandatory for these school officials to permit such self-medication.

The bill would allow any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. In addition, each public and nonpublic school would be required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education would be required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations would include requirements that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers and that each pupil authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the pupil's physician.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of the bill, and the department is authorized to accept contributions of funds to reimburse schools for those costs.

Committee amendments were adopted which: 1) restore the requirements for statements regarding liability; 2) require nonpublic schools also to have and maintain a nebulizer; 3) clarify the definition of health care professional; 4) provide for reimbursement to public and nonpublic schools of costs to implement the provisions of the bill and authorize the Department of Education to accept contributions of funds for the reimbursement; and 5) and move the effective date of the act to the 180th day after enactment.

With the committee amendments, this bill is identical to Senate Bill No.1372 (1R).

[First Reprint]

ASSEMBLY, No. 2590

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 8, 2000

Sponsored by:

Assemblyman PAUL DIGAETANO

District 36 (Bergen, Essex and Passaic)

Assemblyman JEFFREY W. MORAN

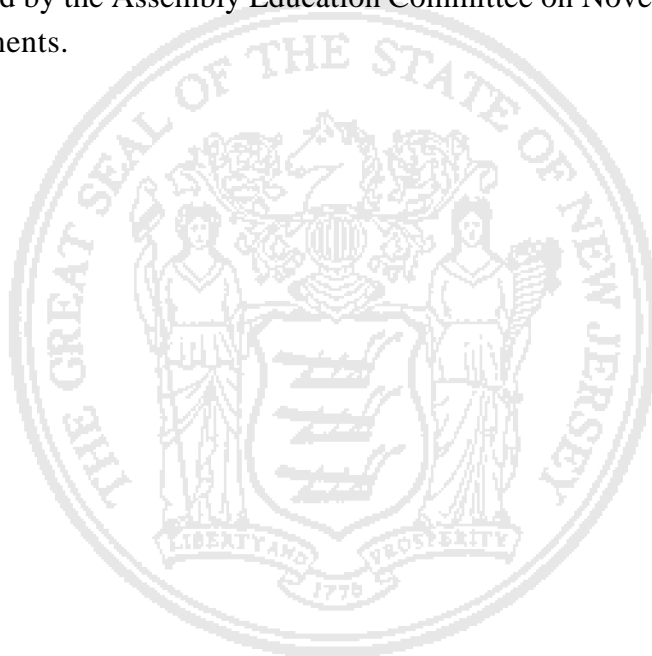
District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on November 13, 2000, with amendments.



(Sponsorship Updated As Of: 6/9/2000)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
9 read as follows:

10 1. a. A board of education or the governing board or chief school
11 administrator of a nonpublic school **[may]** shall permit the
12 self-administration of medication by a pupil for asthma or other
13 potentially life-threatening illnesses provided that:

14 **[a.]** (1) the parents or guardians of the pupil provide to the board
15 of education or the governing board or chief school administrator of
16 a nonpublic school written authorization for the self-administration of
17 medication;

18 **[b.]** (2) the parents or guardians of the pupil provide to the board
19 of education or the governing board or chief school administrator of
20 a nonpublic school written certification from the physician of the pupil
21 that the pupil has asthma or another potentially life-threatening illness
22 and is capable of, and has been instructed in, the proper method of
23 self-administration of medication;

24 **[c.** the board of education or the governing board or chief school
25 administrator of a nonpublic school informs the parents or guardians
26 of the pupil in writing that the district and its employees or agents or
27 the nonpublic school and its employees or agents shall incur no liability
28 as a result of any injury arising from the self-administration of
29 medication by the pupil;

30 d. the parents or guardians of the pupil sign a statement
31 acknowledging that the district or the nonpublic school shall incur no
32 liability as a result of any injury arising from the self-administration of
33 medication by the pupil and that the parents or guardians shall
34 indemnify and hold harmless the district and its employees or agents
35 or the nonpublic school and its employees or agents against any claims
36 arising out of the self-administration of medication by the pupil;]

37 ¹(3) the board of education or the governing board or chief school
38 administrator of a nonpublic school informs the parents or guardians
39 of the pupil in writing that the district and its employees or agents or
40 the nonpublic school and its employees or agents shall incur no liability
41 as a result of any injury arising from the self-administration of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly AED committee amendments adopted November 13, 2000.**

1 medication by the pupil:

2 (4) the parents or guardians of the pupil sign a statement
3 acknowledging that the district or the nonpublic school shall incur no
4 liability as a result of any injury arising from the self-administration of
5 medication by the pupil and that the parents or guardians shall
6 indemnify and hold harmless the district and its employees or agents
7 or the nonpublic school and its employees or agents against any claims
8 arising out of the self-administration of medication by the pupil;¹ and

9 [e.]¹ [(3)] (5)¹ the permission is effective for the school year for
10 which it is granted and is renewed for each subsequent school year
11 upon fulfillment of the requirements in [subsections a. through d.]
12 paragraphs (1)¹ [and (2)] through (4)¹ of this [section] subsection.

13 b. Notwithstanding any other law or regulation to the contrary, a
14 pupil who is permitted to self-administer medication under the
15 provisions of this section shall be permitted to carry an inhaler at all
16 times, provided that the pupil does not endanger himself or other
17 persons through misuse.

18 c. Any person who acts in good faith in accordance with the
19 requirements of this act shall be immune from any civil or criminal
20 liability arising from actions performed pursuant to this act.

21 (cf: P.L.1997, c.21, s. 1)

22

23 2. (New section) Each public ¹and nonpublic¹ school in the State
24 shall have and maintain for the use of pupils at least one nebulizer in
25 the office of the school nurse or a similar accessible location

26

27 3. (New section) The State Board of Education, in consultation
28 with the Commissioner of Health and Senior Services, shall adopt
29 regulations requiring each public school board of education to develop
30 policies for the administration of asthma medication through the use
31 of a nebulizer by the school nurse or other ¹[school-based health care
32 professional] person authorized by regulation¹. The regulations shall
33 include:

34 a. a requirement that each certified nurse or other ¹[health care
35 professional] person¹ authorized to ¹[provide health care to pupils]
36 administer asthma medication¹ receive training in airway management
37 and in the use of nebulizers and inhalers consistent with nationally
38 recognized standards, including, but not limited to, those of the
39 National Institutes of Health and the American Association of Allergy
40 and Immunology; and

41 b. a requirement that each pupil authorized to use asthma
42 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
43 ¹or a nebulizer¹ have an asthma treatment plan prepared by the
44 physician of the pupil, which shall identify, at a minimum, asthma
45 triggers, the treatment plan, and such other elements as shall be
46 determined by the State Board of Education.

1 4. (New section) The Commissioner of Education shall ensure that
2 annual asthma education opportunities are made available for medical
3 inspectors and all members of the teaching staff.

4

5 ¹5. (New Section) A public or nonpublic school shall apply to the
6 Department of Education for reimbursement of the costs incurred in
7 implementing the provisions of this act. The department is authorized
8 to accept contributions of funds to reimburse public and nonpublic
9 schools for those costs.¹

10

11 ¹[5.] 6.¹ This act shall take effect ¹[immediately] on the 180th
12 day after enactment, but the Commissioner of Education may take
13 such anticipatory administrative action in advance as shall be necessary
14 for the implementation of the act¹.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2590

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2590 (1R) with committee amendments.

Assembly Bill No. 2590 (1R), as amended, revises the law allowing school boards and private school administrators to permit self-administration by a pupil of medication for asthma or other potentially life-threatening illnesses. The bill makes it mandatory for these school officials to permit such self-medication.

The bill allows any pupil who is permitted to self-administer medication to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse. Each public and nonpublic school is required to have and maintain at least one nebulizer in the office of the school nurse or a similar accessible location.

Under regulations adopted by the State Board of Education, in consultation with the Commissioner of Health and Senior Services, each board of education is required to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation.

Under the bill, a person who acts in good faith in accordance with the requirements of the bill would be immune from any civil or criminal liability arising from actions with respect to the self-administration of medication.

The Commissioner of Education is directed to ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

Finally, a public or nonpublic school is directed to apply to the Department of Education (DOE) for reimbursement of the costs incurred in implementing the provisions of the bill, and the DOE is authorized to accept contributions of funds to reimburse schools for those costs.

The bill appropriates \$344,000 to the Department of Education for the purposes of reimbursing the costs of nebulizer purchases by public and nonpublic schools.

As amended and reported, this bill is identical to Senate Bill No. 1372 (1R), as also amended and reported by the committee.

FISCAL IMPACT:

The DOE indicates that as of school year 1998-99, there were 3,437 public and nonpublic schools in the State and that the average cost of a nebulizer is \$100. Thus the minimum cost to the DOE to reimburse public and nonpublic schools for the purchase of nebulizers would be \$343,700. The DOE also indicates that there are other costs associated with the bill, including those for maintaining and storing nebulizers, for training nurses or other persons to administer asthma medication, and for annual asthma education for medical inspectors and teaching staff. These costs are indeterminable at this time. The DOE further notes that nonpublic schools do not have the same requirements under law with respect to having a school nurse on school premises, so that the bill's requirements may increase costs appreciably for nonpublic schools.

The bill appropriates \$344,000 to the Department of Education for the purposes of reimbursing the costs of nebulizer purchases by public and nonpublic schools.

COMMITTEE AMENDMENTS:

The amendments appropriate \$344,000 to the Department of Education.

[Second Reprint]

ASSEMBLY, No. 2590

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 8, 2000

Sponsored by:

Assemblyman PAUL DIGAETANO
District 36 (Bergen, Essex and Passaic)
Assemblyman JEFFREY W. MORAN
District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

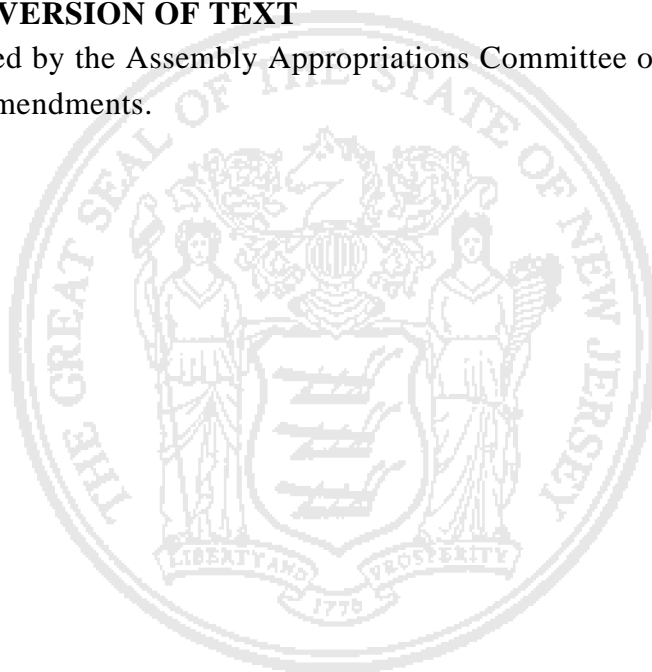
Assemblywoman Heck

SYNOPSIS

Revises procedure for self-administration by school pupils of medication for asthma, appropriates \$344,000.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 7, 2000, with amendments.



(Sponsorship Updated As Of: 1/30/2001)

1 AN ACT concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes², and making an
4 appropriation².

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
10 read as follows:

11 1. a. A board of education or the governing board or chief school
12 administrator of a nonpublic school **[may]** shall permit the
13 self-administration of medication by a pupil for asthma or other
14 potentially life-threatening illnesses provided that:

15 **[a.]** (1) the parents or guardians of the pupil provide to the board
16 of education or the governing board or chief school administrator of
17 a nonpublic school written authorization for the self-administration of
18 medication;

19 **[b.]** (2) the parents or guardians of the pupil provide to the board
20 of education or the governing board or chief school administrator of
21 a nonpublic school written certification from the physician of the pupil
22 that the pupil has asthma or another potentially life-threatening illness
23 and is capable of, and has been instructed in, the proper method of
24 self-administration of medication;

25 **[c.** the board of education or the governing board or chief school
26 administrator of a nonpublic school informs the parents or guardians
27 of the pupil in writing that the district and its employees or agents or
28 the nonpublic school and its employees or agents shall incur no liability
29 as a result of any injury arising from the self-administration of
30 medication by the pupil;

31 d. the parents or guardians of the pupil sign a statement
32 acknowledging that the district or the nonpublic school shall incur no
33 liability as a result of any injury arising from the self-administration of
34 medication by the pupil and that the parents or guardians shall
35 indemnify and hold harmless the district and its employees or agents
36 or the nonpublic school and its employees or agents against any claims
37 arising out of the self-administration of medication by the pupil;]

38 ¹(3) the board of education or the governing board or chief school
39 administrator of a nonpublic school informs the parents or guardians
40 of the pupil in writing that the district and its employees or agents or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted November 13, 2000.

² Assembly AAP committee amendments adopted December 7, 2000.

1 the nonpublic school and its employees or agents shall incur no liability
2 as a result of any injury arising from the self-administration of
3 medication by the pupil;

4 (4) the parents or guardians of the pupil sign a statement
5 acknowledging that the district or the nonpublic school shall incur no
6 liability as a result of any injury arising from the self-administration of
7 medication by the pupil and that the parents or guardians shall
8 indemnify and hold harmless the district and its employees or agents
9 or the nonpublic school and its employees or agents against any claims
10 arising out of the self-administration of medication by the pupil;¹ and

11 [e.]¹ [(3)] (5)¹ the permission is effective for the school year for
12 which it is granted and is renewed for each subsequent school year
13 upon fulfillment of the requirements in [subsections a. through d.]
14 paragraphs (1) ¹[and (2)] through (4)¹ of this [section] subsection.

15 b. Notwithstanding any other law or regulation to the contrary, a
16 pupil who is permitted to self-administer medication under the
17 provisions of this section shall be permitted to carry an inhaler at all
18 times, provided that the pupil does not endanger himself or other
19 persons through misuse.

20 c. Any person who acts in good faith in accordance with the
21 requirements of this act shall be immune from any civil or criminal
22 liability arising from actions performed pursuant to this act.

23 (cf: P.L.1997, c.21, s. 1)

24

25 2. (New section) Each public ¹and nonpublic¹ school in the State
26 shall have and maintain for the use of pupils at least one nebulizer in
27 the office of the school nurse or a similar accessible location

28

29 3. (New section) The State Board of Education, in consultation
30 with the Commissioner of Health and Senior Services, shall adopt
31 regulations requiring each public school board of education to develop
32 policies for the administration of asthma medication through the use
33 of a nebulizer by the school nurse or other ¹[school-based health care
34 professional] person authorized by regulation¹. The regulations shall
35 include:

36 a. a requirement that each certified nurse or other ¹[health care
37 professional] person¹ authorized to ¹[provide health care to pupils]
38 administer asthma medication¹ receive training in airway management
39 and in the use of nebulizers and inhalers consistent with nationally
40 recognized standards, including, but not limited to, those of the
41 National Institutes of Health and the American Association of Allergy
42 and Immunology; and

43 b. a requirement that each pupil authorized to use asthma
44 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
45 ¹or a nebulizer¹ have an asthma treatment plan prepared by the
46 physician of the pupil, which shall identify, at a minimum, asthma

1 triggers, the treatment plan, and such other elements as shall be
2 determined by the State Board of Education.

3

4 4. (New section) The Commissioner of Education shall ensure that
5 annual asthma education opportunities are made available for medical
6 inspectors and all members of the teaching staff.

7

8 ¹5. (New Section) A public or nonpublic school shall apply to the
9 Department of Education for reimbursement of the costs incurred in
10 implementing the provisions of this act. The department is authorized
11 to accept contributions of funds to reimburse public and nonpublic
12 schools for those costs.¹

13

14 ²6. There is appropriated from the General Fund to the Department
15 of Education \$344,000 for the purposes of reimbursing the costs of
16 nebulizer purchases by public and nonpublic schools pursuant to this
17 act.²

18

19 ¹[5.] ²[6.1] 7.² This act shall take effect ¹[immediately] on the
20 180th day after enactment, but the Commissioner of Education may
21 take such anticipatory administrative action in advance as shall be
22 necessary for the implementation of the act¹.

§§2-5 -
C.18A:40-12.7
to 18A:40-12.10
§6 - Approp.
§7 - Note to §§1-6

P.L. 2001, CHAPTER 61, *approved April 19, 2001*
Senate, No. 1372 (*Second Reprint*)

1 **AN ACT** concerning the self-administration of medication by school
2 pupils for asthma, amending P.L.1993, c.308 and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes², and making an
4 appropriation².

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
10 read as follows:

11 1. a. A board of education or the governing board or chief school
12 administrator of a nonpublic school **[may]** shall permit the
13 self-administration of medication by a pupil for asthma or other
14 potentially life-threatening illnesses provided that:

15 **[a.]** (1) the parents or guardians of the pupil provide to the board
16 of education or the governing board or chief school administrator of
17 a nonpublic school written authorization for the self-administration of
18 medication;

19 **[b.]** (2) the parents or guardians of the pupil provide to the board
20 of education or the governing board or chief school administrator of
21 a nonpublic school written certification from the physician of the pupil
22 that the pupil has asthma or another potentially life-threatening illness
23 and is capable of, and has been instructed in, the proper method of
24 self-administration of medication;

25 **[c.]** the board of education or the governing board or chief school
26 administrator of a nonpublic school informs the parents or guardians
27 of the pupil in writing that the district and its employees or agents or
28 the nonpublic school and its employees or agents shall incur no liability
29 as a result of any injury arising from the self-administration of
30 medication by the pupil;

31 d. the parents or guardians of the pupil sign a statement
32 acknowledging that the district or the nonpublic school shall incur no
33 liability as a result of any injury arising from the self-administration of
34 medication by the pupil and that the parents or guardians shall
35 indemnify and hold harmless the district and its employees or agents
36 or the nonpublic school and its employees or agents against any claims

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 19, 2000.

² Assembly AAP committee amendments adopted December 7, 2000.

1 arising out of the self-administration of medication by the pupil;]

2 ¹(3) the board of education or the governing board or chief school
3 administrator of a nonpublic school informs the parents or guardians
4 of the pupil in writing that the district and its employees or agents or
5 the nonpublic school and its employees or agents shall incur no liability
6 as a result of any injury arising from the self-administration of
7 medication by the pupil;

8 (4) the parents or guardians of the pupil sign a statement
9 acknowledging that the district or the nonpublic school shall incur no
10 liability as a result of any injury arising from the self-administration of
11 medication by the pupil and that the parents or guardians shall
12 indemnify and hold harmless the district and its employees or agents
13 or the nonpublic school and its employees or agents against any claims
14 arising out of the self-administration of medication by the pupil;¹ and

15 [e.]¹ [(3)] (5)¹ the permission is effective for the school year for
16 which it is granted and is renewed for each subsequent school year
17 upon fulfillment of the requirements in [subsections a. through d.]
18 paragraphs (1) ¹[and (2)] through (4)¹ of this [section] subsection.

19 b. Notwithstanding any other law or regulation to the contrary, a
20 pupil who is permitted to self-administer medication under the
21 provisions of this section shall be permitted to carry an inhaler at all
22 times, provided that the pupil does not endanger himself or other
23 persons through misuse.

24 c. Any person who acts in good faith in accordance with the
25 requirements of this act shall be immune from any civil or criminal
26 liability arising from actions performed pursuant to this act.

27 (cf: P.L.1997, c.21, s. 1)

28

29 2. (New section) Each public ¹and nonpublic¹ school in the State
30 shall have and maintain for the use of pupils at least one nebulizer in
31 the office of the school nurse or a similar accessible location

32

33 3. (New section) The State Board of Education, in consultation
34 with the Commissioner of Health and Senior Services, shall adopt
35 regulations requiring each public school board of education to develop
36 policies for the administration of asthma medication through the use
37 of a nebulizer by the school nurse or other ¹[school-based health care
38 professional] person authorized by regulation¹. The regulations shall
39 include:

40 a. a requirement that each certified nurse or other ¹[health care
41 professional] person¹ authorized to ¹[provide health care to pupils]
42 administer asthma medication¹ receive training in airway management
43 and in the use of nebulizers and inhalers consistent with nationally
44 recognized standards, including, but not limited to, those of the
45 National Institutes of Health and the American Association of Allergy
46 and Immunology; and

1 b. a requirement that each pupil authorized to use asthma
2 medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3),
3 ¹or a nebulizer¹ have an asthma treatment plan prepared by the
4 physician of the pupil, which shall identify, at a minimum, asthma
5 triggers, the treatment plan, and such other elements as shall be
6 determined by the State Board of Education.

7
8 4. (New section) The Commissioner of Education shall ensure that
9 annual asthma education opportunities are made available for medical
10 inspectors and all members of the teaching staff.

11
12 ¹5. (New Section) A public or nonpublic school shall apply to the
13 Department of Education for reimbursement of the costs incurred in
14 implementing the provisions of this act. The department is authorized
15 to accept contributions of funds to reimburse public and nonpublic
16 schools for those costs.¹

17
18 ²6. There is appropriated from the General Fund to the Department
19 of Education \$344,000 for the purposes of reimbursing the costs of
20 nebulizer purchases by public and nonpublic schools pursuant to this
21 act.²

22
23 ¹[5.] ²[6.1] 7.² This act shall take effect ¹[immediately] on the
24 180th day after enactment, but the Commissioner of Education may
25 take such anticipatory administrative action in advance as shall be
26 necessary for the implementation of the act¹.

27
28
29
30
31 Revises procedure for self-administration by school pupils of
32 medication for asthma, appropriates \$344,000.

CHAPTER 61

AN ACT concerning the self-administration of medication by school pupils for asthma, amending P.L.1993, c.308 and supplementing chapter 40 of Title 18A of the New Jersey Statutes, and making an appropriation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to read as follows:

C.18A:40-12.3 Self-administration of medication by pupil permitted.

1. a. A board of education or the governing board or chief school administrator of a nonpublic school shall permit the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses provided that:

(1) the parents or guardians of the pupil provide to the board of education or the governing board or chief school administrator of a nonpublic school written authorization for the self-administration of medication;

(2) the parents or guardians of the pupil provide to the board of education or the governing board or chief school administrator of a nonpublic school written certification from the physician of the pupil that the pupil has asthma or another potentially life-threatening illness and is capable of, and has been instructed in, the proper method of self-administration of medication;

(3) the board of education or the governing board or chief school administrator of a nonpublic school informs the parents or guardians of the pupil in writing that the district and its employees or agents or the nonpublic school and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil;

(4) the parents or guardians of the pupil sign a statement acknowledging that the district or the nonpublic school shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents or the nonpublic school and its employees or agents against any claims arising out of the self-administration of medication by the pupil; and

(5) the permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements in paragraphs (1) through (4) of this subsection.

b. Notwithstanding any other law or regulation to the contrary, a pupil who is permitted to self-administer medication under the provisions of this section shall be permitted to carry an inhaler at all times, provided that the pupil does not endanger himself or other persons through misuse.

c. Any person who acts in good faith in accordance with the requirements of this act shall be immune from any civil or criminal liability arising from actions performed pursuant to this act.

C.18A:40-12.7 Nebulizer required in schools.

2. Each public and nonpublic school in the State shall have and maintain for the use of pupils at least one nebulizer in the office of the school nurse or a similar accessible location

C.18A:40-12.8 Regulations for use of nebulizer in schools.

3. The State Board of Education, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations requiring each public school board of education to develop policies for the administration of asthma medication through the use of a nebulizer by the school nurse or other person authorized by regulation. The regulations shall include:

a. a requirement that each certified nurse or other person authorized to administer asthma medication receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards, including, but not limited to, those of the National Institutes of Health and the American Association of Allergy and Immunology; and

b. a requirement that each pupil authorized to use asthma medication pursuant to section 1 of P.L.1993, c.308 (C.18A: 40-12.3), or a nebulizer have an asthma treatment plan prepared by the physician of the pupil, which shall identify, at a minimum, asthma triggers, the treatment plan, and such other elements as shall be determined by the State Board of Education.

C.18A:40-12.9 Annual asthma education opportunities.

4. The Commissioner of Education shall ensure that annual asthma education opportunities are made available for medical inspectors and all members of the teaching staff.

C.18A:40-12.10 Reimbursement to school.

5. A public or nonpublic school shall apply to the Department of Education for reimbursement of the costs incurred in implementing the provisions of this act. The department is authorized to accept contributions of funds to reimburse public and nonpublic schools for those costs.

6. There is appropriated from the General Fund to the Department of Education \$344,000 for the purposes of reimbursing the costs of nebulizer purchases by public and nonpublic schools pursuant to this act.

7. This act shall take effect on the 180th day after enactment, but the Commissioner of Education may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act

Approved April 19, 2001.

Office of the Governor
NEWS RELEASE

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RELEASE: April 19 , 2001

DiFrancesco Signs Law Creating Hunger Prevention Program

*****Signs 7 other bills*****

Acting Gov. Donald T. DiFrancesco today signed legislation that creates a New Jersey Hunger Prevention and Assistance Program and allocates \$5 million for grants to food banks and other similar agencies.

S-1591, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and Palaia (R-Monmouth) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), allocates up to \$5 million in unexpended Temporary Assistance to Needy Family funds for grants to food banks and similar agencies.

The bill also establishes a New Jersey Hunger Prevention and Assistance Program in the Department of Human Services to improve the health and nutritional status of state residents in need of food assistance, supplement the efforts of emergency food programs in the state to reduce hunger, and enable families and individuals to become food secure and self-sufficient.

The Commissioner of Human Services is required by the bill to contract with Rutgers, the State University to conduct a six-pronged statewide needs assessment. The bill also establishes a 13 - member Hunger Prevention Advisory Committee within DHS to assist the commissioner in the implementation of the program.

The acting Governor also signed the following bills:

S-84, sponsored by Senator Zane (R-Salem/Cumberland/Gloucester) and Assembly members Felice (R-Bergen/Passaic) and Imprieveduto (D-Bergen/Hudson), clarifies the sexual assault statute in certain circumstances.

S-1372, sponsored by Senators Bennett (R-Monmouth) and Allen (R-Burlington/Camden) and Assemblymembers DiGaetano (R-Bergen/Essex/Passaic) and Moran (R-Atlantic/Burlington/Ocean), revises the procedure for self-administration by school pupils of medication for asthma.

S-2097, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and McNamara (R-Bergen/Passaic) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

A-2549, sponsored by Assemblymembers Kelly (R-Bergen/Essex/Passaic) and Cohen (D-Union) and Senator Ciesla (R-Monmouth/Ocean), permits real estate brokers, broker-salespersons and salespersons to engage in certain promotions offering free or discounted products and services.

A-2318, sponsored by Assemblymembers Charles (D-Hudson) and Lance (R-Warren/Hunterdon/Mercer) and Senators Kenny (D-Hudson) and Kyrillos (R-Middlesex/Monmouth), appropriates \$350,000 to the Division of Youth and Family Services for a grant to Hudson Cradle, a nationally recognized multi-purpose family resource and transitional residence in Jersey City that serves approximately 50 "boarder babies" annually.

A-2458, sponsored by Assemblymembers Felice (R-Bergen/Passaic) and Doria (D-Hudson) and Assemblymember Conaway (D-Burlington/Camden), provides that prompt payment and claims payment enforcement laws apply to organized delivery systems. Organized delivery systems are entities that contract with health insurance carriers to provide either comprehensive health care services or benefits or limited health care services to covered persons under the carrier's health benefits plan or policy.