

18A:40-12.3

LEGISLATIVE HISTORY CHECKLIST
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(Pupils--Medication)

NJSA: 18A:40-12.3

LAWS OF: 1993 **CHAPTER:** 308

BILL NO: A2600

SPONSOR(S) T. Smith and Anderson

DATE INTRODUCED: May 17, 1993

COMMITTEE: **ASSEMBLY:** Education
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 15, 1993
SENATE: December 16, 1993

DATE OF APPROVAL: December 23, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[SECOND REPRINT]
ASSEMBLY, No. 2600

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1993

By Assemblyman T. SMITH and Assemblywoman ANDERSON

1 AN ACT concerning the administration of medication for certain
2 school pupils and supplementing chapter 40 of Title 18A of the
3 New Jersey Statutes.

4

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

7 1. A board of education may permit the self-administration of
8 medication by a pupil for asthma or other potentially
9 life-threatening illnesses provided that:

10 a. the parents or guardians of the pupil provide to the board of
11 education written authorization for the self-administration of
12 medication;

13 b. the parents or guardians of the pupil provide to the board of
14 education written certification from the physician of the pupil
15 that the pupil has asthma or another potentially life-threatening
16 illness and is capable of, and has been instructed in, the proper
17 method of self-administration of medication;

18 c. the board informs the parents or guardians of the pupil in
19 writing that the district and its employees or agents shall incur
20 no liability as a result of any injury arising from the
21 self-administration of medication by the pupil; ¹[and]¹

22 d. the parents or guardians of the pupil sign a statement
23 acknowledging that the district shall incur no liability as a result
24 of any injury arising from the self-administration of medication
25 by the pupil and that the parents or guardians shall indemnify and
26 hold harmless the district and its employees or agents against any
27 claims arising out of the self-administration of medication by the
28 pupil ¹; and

29 e. the permission is effective for the school year for which it
30 is granted and is renewed for each subsequent school year upon
31 fulfillment of the requirements in subsections a. through d. of
32 this section¹.

33 ²[2. A board of education may permit a person other than an
34 employee of the school district to administer medication to a
35 pupil for asthma or other potentially life-threatening illnesses
36 when the nurse is not physically present at the scene and¹
37 provided that:

38 a. the designated person is at least 18 years of age;

39 b. the parents or guardians of the pupil designate the person in
40 writing to the board ¹and provide documentation to the board's
41 satisfaction that the designated person consents to, is capable of,
42 and has received instruction in the proper administration of the
43 medication¹.

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 May 17, 1993.

² Assembly floor amendments adopted September 13, 1993.

1 c. the parents or guardians of the pupil provide to the board
2 written certification from the physician of the pupil that the
3 pupil has asthma or another potentially life-threatening illness;

4 d. the board informs the parents or guardians of the pupil in
5 writing that the district and its employees or agents shall incur
6 no liability as a result of any injury arising from the
7 administration of medication by the designated person; ¹[and]¹

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

15 f. the permission is effective for the school year for which it
16 is granted and is renewed for each subsequent school year upon
17 fulfillment of the requirements in subsections a. through e. of
18 this section¹.²

19 ²[13.] ² a. In accordance with the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the State
21 Board of Education shall promulgate such rules and regulations as
22 it deems necessary no later than six months after the effective
23 date of this act.

24 b. A board of education shall not be prohibited from
25 permitting the administration of medication pursuant to
26 ²[sections] section² 1 ²[and 2]² of this act prior to the
27 promulgation of rules and regulations by the State Board of
28 Education.¹

29 ²[4.] ² 3.² This act shall take effect immediately.

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33

34 Permits self-administration of medication by a school pupil in
35 certain cases.

1 e. the parents or guardians of the pupil sign a statement
2 acknowledging that the district shall incur no liability as a result
3 of any injury arising from the administration of medication by the
4 designated person and that the parents or guardians shall
5 indemnify and hold harmless the district and its employees or
6 agents against any claims arising out of the administration of
7 medication by the designated person; and

8 f. the permission is effective for the school year for which it
9 is granted and is renewed for each subsequent school year upon
10 fulfillment of the requirements in subsections a. through e. of
11 this section.

12 3. a. In accordance with the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.) the State Board of Education
14 shall promulgate such rules and regulations as it deems necessary
15 no later than six months after the effective date of this act.

16 b. A board of education shall not be prohibited from
17 permitting the administration of medication pursuant to sections
18 1 and 2 of this act prior to the promulgation of rules and
19 regulations by the State Board of Education.

20 4. This act shall take effect immediately.

21
22
23 STATEMENT
24

25 This bill provides that a board of education may permit the
26 self-administration of medication by a pupil for asthma or other
27 potentially life-threatening illnesses under certain conditions.
28 The conditions include provisions that the parents or guardians
29 file their written authorization and submit written certification
30 from the pupil's physician confirming the illness and the
31 capability of the pupil for self-administration; the board informs
32 the parents or guardians that it shall incur no liability arising
33 from the self-medication; and the parents or guardians sign a
34 statement that the district shall incur no liability as a result of
35 the self-medication.

36 The bill also permits a person other than an employee of the
37 school district to administer medication to a pupil for asthma or
38 other potentially life-threatening illnesses if the person is at
39 least 18 years of age. In this case, the parents would designate
40 the person in writing to the board and provide a physician's
41 confirmation of the illness. A statement disclaiming liability of
42 the board and written acknowledgment of the disclaimer from the
43 parents or guardians are also required.

44 Permission for the administration of medication would be
45 effective for the school year for which it was granted and must
46 be renewed for each subsequent school year.

47 The State Board of Education is required to promulgate such
48 rules and regulations as it deems necessary no later than six
49 months after the effective date of the act. A board of education
50 is not prohibited, however, from permitting the administration of
51 medication prior to the promulgation of the rules and regulations.

52 Under current practice, the only school employees responsible
53 for the administration of medication to pupils are the school
54 nurses.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2600

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 1993

The Assembly Education Committee reports favorably Assembly Bill No. 2600 with committee amendments.

This bill, as amended, provides that a board of education may permit the self-administration of medication by a pupil for asthma or other potentially life-threatening illnesses under certain conditions.

Self-administration of medication would only be permitted under the bill if the parents or guardians file their written authorization and submit written certification from the pupil's physician confirming the illness and the capability of the pupil for self-administration; the board informs the parents or guardians that it shall incur no liability arising from the self-medication; and the parents or guardians sign a statement that the district shall incur no liability as a result of the self-medication.

The bill also permits a person other than an employee of the school district to administer medication to a pupil for asthma or other potentially life-threatening illnesses if the school nurse is not physically present at the scene and provided the person is at least 18 years of age. In this case, the parents would designate the person in writing to the board, provide proof that the designated person is capable of administering the medication and provide a physician's confirmation of the illness. A statement disclaiming liability of the board and written acknowledgment of the disclaimer from the parents or guardians are also required.

Permission for the administration of medication would be effective for the school year for which it was granted and must be renewed for each subsequent school year.

Under current practice, the only school employees authorized to administer medication to pupils are the school nurses.

The committee amended the bill to provide for the renewal each school year of the permission to administer medication. An amendment was also adopted to require the promulgation of rules and regulations by the State Board of Education and to permit boards of education to implement the provisions of the bill prior to the promulgation of those rules and regulations. The committee also adopted amendments which clarify that a designated person may only administer medication if the school nurse is not present at the scene and more specifically delineate the qualifications of the designated person.