

Use of Inhalers by Pupils and Campers with Asthma

This Act permits students and campers with asthma to possess and self-administer asthma medications.

Submitted as:

New Hampshire

HB 57

Status: Enacted into law as Chapter 51 in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act Relative to the Use of Inhalers
2 by Pupils and Campers with Asthma.”
3

4 Section 2. [*Possession and Self-Administration of Asthma Inhalers by Pupils Permitted.*]
5 A pupil may possess and use a metered dose inhaler or a dry powder inhaler to alleviate
6 asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the
7 following conditions are satisfied:

8 I. The pupil has the written approval of the pupil’s physician and, if the pupil is a minor,
9 the written approval of the parent or guardian. The school shall obtain the following information
10 from the pupil’s physician:

11 (a) The pupil’s name.

12 (b) The name and signature of the licensed prescriber and business and
13 emergency numbers.

14 (c) The name, route, and dosage of medication.

15 (d) The frequency and time of medication administration or assistance.

16 (e) The date of the order.

17 (f) A diagnosis and any other medical conditions requiring medications, if not a
18 violation of confidentiality or if not contrary to the request of the parent or guardian to keep
19 confidential.

20 (g) Specific recommendations for administration.

21 (h) Any special side effects, contraindications, and adverse reactions to be
22 observed.

23 (i) At least one emergency telephone number for contacting the parent or
24 guardian.

25 (j) The name of each required medication.

26 II. The school principal or, if a school nurse is assigned to the pupil’s school building,
27 the school nurse shall receive copies of the written approvals required by paragraph I.

28 III. The pupil’s parent or guardian shall submit written verification from the physician
29 confirming that the pupil has the knowledge and skills to safely possess and use an asthma
30 inhaler in a school setting.

31 IV. If the conditions provided in this section are satisfied, the pupil may possess and use
32 the inhaler at school or at any school sponsored activity, event, or program.

33 V. In this section, “physician” includes any physician or health practitioner with the
34 authority to write prescriptions.
35

36 Section 3. [*Immunity for Schools Districts and School Employees Concerning the Use of*
37 *Inhalers.*] No school district, member of a school board, or school district employee shall be
38 liable in a suit for damages as a result of any act or omission related to a pupil's use of an inhaler
39 if the provisions of section 2 of this Act have been met, unless the damages were caused by
40 willful or wanton conduct or disregard of the criteria established in that section for the
41 possession and self-administration of an asthma inhaler by a pupil.
42

43 Section 4. [*Possession and Use of Asthma Inhalers at Recreation Camps.*] A recreation
44 camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to
45 alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if
46 the following conditions are satisfied:

47 I. The child has the written approval of the child's physician and the written approval of
48 the parent or guardian. The camp shall obtain the following information from the child's
49 physician:

- 50 (a) The child's name.
- 51 (b) The name and signature of the licensed prescriber and business and
52 emergency numbers.
- 53 (c) The name, route, and dosage of medication.
- 54 (d) The frequency and time of medication administration or assistance.
- 55 (e) The date of the order.
- 56 (f) A diagnosis and any other medical conditions requiring medications, if not a
57 violation of confidentiality or if not contrary to the request of the parent or guardian to keep
58 confidential.
- 59 (g) Specific recommendations for administration.
- 60 (h) Any special side effects, contraindications, and adverse reactions to be
61 observed.
- 62 (i) The name of each required medication.
- 63 (j) At least one emergency telephone number for contacting the parent or
64 guardian.

65 II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse
66 shall receive copies of the written approvals required by paragraph I.

67 III. The child's parent or guardian shall submit written verification from the physician
68 confirming that the child has the knowledge and skills to safely possess and use an asthma
69 inhaler in a camp setting.

70 IV. If the conditions provided in this section are satisfied, the child may possess and use
71 the inhaler at the camp or at any camp sponsored activity, event, or program.

72 V. In this section, "physician" includes any physician or health practitioner with the
73 authority to write prescriptions.
74

75 Section 5. [*Immunity for Recreation Camps and Recreation Camp Employees*
76 *Concerning Use of Inhalers.*] No recreational camp or camp employee shall be liable in a suit
77 for damages as a result of any act or omission related to a child's use of an inhaler if the
78 provisions of section 4 of this Act have been met, unless the damages were caused by willful or
79 wanton conduct or disregard of the criteria established in that section for the possession and
80 self-administration of an asthma inhaler by a child.
81

82 Section 6. [*Severability.*] [Insert severability clause.]

83
84 Section 7. [*Repealer.*] [Insert repealer clause.]

85
86

Section 8. [*Effective Date.*] [Insert effective date.]