

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1086**

Introduced by Davis, 43.

Read first time January 20, 2016

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 student self-management of asthma or anaphylaxis as prescribed; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-224, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 79-224 (1) An approved or accredited public, private,  
4 denominational, or parochial school shall allow a student with asthma or  
5 anaphylaxis to self-manage his or her asthma or anaphylaxis condition  
6 upon written request of the student's parent or guardian and  
7 authorization of the student's physician or other health care  
8 professional who prescribed the medication for treatment of the student's  
9 condition, upon receipt of a signed statement under subsection (5) of  
10 this section, and pursuant to an asthma or anaphylaxis medical management  
11 plan developed under subsection (2) of this section.

12 (2) Upon receipt of a written request and authorization under  
13 subsection (1) of this section, the school and the parent or guardian, in  
14 consultation with the student's physician or such other health care  
15 professional, shall develop an asthma or anaphylaxis medical management  
16 plan for the student for the current school year. Such plan shall (a)  
17 identify the health care services the student may receive at school  
18 relating to such condition, (b) evaluate the student's understanding of  
19 and ability to self-manage his or her asthma or anaphylaxis condition,  
20 (c) permit regular monitoring of the student's self-management of his or  
21 her asthma or anaphylaxis condition by an appropriately credentialed  
22 health care professional, (d) include the name, purpose, and dosage of  
23 the prescription asthma or anaphylaxis medication prescribed for such  
24 student, (e) include procedures for storage and access to backup supplies  
25 of such prescription asthma or anaphylaxis medication, and (f) be signed  
26 by the student's parent or guardian and the physician or such other  
27 health care professional responsible for treatment of the student's  
28 asthma or anaphylaxis condition. The school may consult with a registered  
29 nurse or other health care professional employed by such school during  
30 development of the plan. The plan and the signed statement required by  
31 subsection (5) of this section shall be kept on file at the school where

1 the student is enrolled.

2 (3) Pursuant to the asthma or anaphylaxis medical management plan  
3 developed under subsection (2) of this section, a student with asthma or  
4 anaphylaxis shall be permitted to self-manage his or her asthma or  
5 anaphylaxis condition in the classroom or any part of the school or on  
6 school grounds, during any school-related activity, or in any private  
7 location specified in the plan. The student for whom an asthma or  
8 anaphylaxis medical management plan has been developed under this section  
9 shall promptly notify the school nurse, such nurse's designee, or another  
10 designated adult at the school when such student has self-administered  
11 prescription asthma or anaphylaxis medication pursuant to such plan.

12 (4)(a) If a student for whom an asthma or anaphylaxis medical  
13 management plan has been developed under this section uses his or her  
14 prescription asthma or anaphylaxis medication other than as prescribed,  
15 he or she may be subject to disciplinary action by the school, except  
16 that such disciplinary action shall not include a limitation or  
17 restriction on the student's access to such medication. The school shall  
18 promptly notify the parent or guardian of any disciplinary action  
19 imposed.

20 (b) If a student for whom an asthma or anaphylaxis medical  
21 management plan has been developed under this section injures school  
22 personnel or another student as the result of the misuse of prescription  
23 asthma or anaphylaxis medication or related medical supplies, the parent  
24 or guardian of the student for whom such plan has been developed shall be  
25 responsible for any and all costs associated with such injury.

26 (5) The parent or guardian of a student for whom an asthma or  
27 anaphylaxis medical management plan has been developed under this section  
28 shall sign a statement acknowledging that (a) the school and its  
29 employees and agents are not liable for any injury or death arising from  
30 a student's self-management of his or her asthma or anaphylaxis condition  
31 and (b) the parent or guardian shall indemnify and hold harmless the

1 school and its employees and agents against any claim arising from a  
2 student's self-management of his or her asthma or anaphylaxis condition.

3 Sec. 2. Original section 79-224, Reissue Revised Statutes of  
4 Nebraska, is repealed.