

Using Inhalers for Asthma at School

Michigan Compiled Law 380.1179

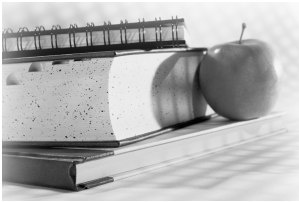
A Law Permitting the Use of Prescribed Medication for Asthma/Allergies at School

The full text of the law is available at:

<http://legislature.mi.gov/doc.aspx?mcl-380-1179>

Legislation allowing Michigan public and nonpublic school children, under certain conditions, to carry and self administer prescribed asthma and allergy medication on school grounds and during school sponsored activities, was amended to the

Michigan School code in 2000 and 2004. This ensures that students with asthma and allergies have immediate access to life-saving medications.



SPECIFICALLY, THE LAW DOES THE FOLLOWING:

Permits a student, under certain conditions, to:

- Possess and use a metered dose inhaler or dry powder inhaler to alleviate asthma symptoms, or before exercise to prevent the onset of these symptoms
- Possess and use an epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis
- Use these life-saving medications on school ground and during school sponsored activities (e.g. school sponsored transportation; activities, events, or programs in which the student's school is participating)

In order for the student to possess and use their inhaler or epinephrine auto-injector, the following conditions must be met:

- 1) The student must have written permission to possess and use their inhaler or epinephrine auto-injector from his or her physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector;
- 2) If the student is a minor (under the age of 18), they must also have permission from his or her parent or legal guardian to possess and use their inhaler or epinephrine auto-injector;
- 3) The principal or chief administrator at the school must have received a copy of each written approval for the student.; and
- 4) There is on file at the student's school a written emergency care plan that contains specific instructions for his or her needs, prepared by a physician in collaboration with the student and the student's parent or legal guardian, and is updated as needed.

A school district may request that a student's parent or legal guardian provide an extra inhaler or epinephrine auto-injector to designated school personnel in case of an emergency, but a parent or legal guardian is not required to do so.

The principal or chief administrator of the school must notify each of the pupil's classroom teachers that the student possesses an inhaler or epinephrine auto-injector and the provision of the law allowing them to self-carry.

Under the law, school personnel (including the school district, non-public school, member of a school board, director or officer of a non-public school, or employee of a school district or non-public school) are NOT liable for any damages resulting from permitting a student to use, or prohibiting a student from using, an inhaler or epinephrine auto-injector if an employee has a reasonable belief formed after a reasonable and ordinary inquiry that the bill's conditions have, or have not been met.



(The law specifies that these provisions do not eliminate, limit, or reduce any other immunity or defense that a school district, non-public school, or school employee may have under other State law or the Code's provision exempting certain school personnel from civil or criminal liability for administering medication to a student— Michigan Compiled Law 380.1178)