

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 631**

(As Passed the Senate October 21, 1999)

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1179. (1) IF THE CONDITIONS PRESCRIBED IN SUBSECTION
2 (2) ARE MET, NOTWITHSTANDING ANY SCHOOL OR SCHOOL DISTRICT POLICY
3 TO THE CONTRARY, A PUPIL OF A PUBLIC SCHOOL OR NONPUBLIC SCHOOL
4 MAY POSSESS AND USE A METERED DOSE INHALER OR A DRY POWDER
5 INHALER TO ALLEVIATE ASTHMATIC SYMPTOMS, OR BEFORE EXERCISE TO
6 PREVENT THE ONSET OF ASTHMATIC SYMPTOMS, AT SCHOOL, ON
7 SCHOOL-SPONSORED TRANSPORTATION, OR AT ANY ACTIVITY, EVENT, OR
8 PROGRAM SPONSORED BY OR IN WHICH THE PUPIL'S SCHOOL IS
9 PARTICIPATING.
10 (2) SUBSECTION (1) APPLIES TO A PUPIL IF ALL OF THE
11 FOLLOWING CONDITIONS ARE MET:

1 (A) THE PUPIL HAS WRITTEN APPROVAL TO POSSESS AND USE THE
2 INHALER AS DESCRIBED IN SUBSECTION (1) FROM THE PUPIL'S PHYSICIAN
OR [OTHER HEALTH CARE PROVIDER AUTHORIZED BY LAW TO PRESCRIBE AN
INHALER]

3 AND, IF THE PUPIL IS A MINOR, FROM THE PUPIL'S PARENT OR LEGAL
4 GUARDIAN.

5 (B) THE PRINCIPAL OR OTHER CHIEF ADMINISTRATOR OF THE
6 PUPIL'S SCHOOL HAS RECEIVED A COPY OF EACH WRITTEN APPROVAL
7 REQUIRED UNDER SUBDIVISION (A) FOR THE PUPIL.

8 (3) A SCHOOL DISTRICT, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL
9 BOARD, DIRECTOR OR OFFICER OF A NONPUBLIC SCHOOL, OR EMPLOYEE OF
10 A SCHOOL DISTRICT OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES
11 IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO PERSON OR PROP-
12 ERTY ALLEGEDLY ARISING FROM A PUPIL BEING PROHIBITED BY AN
13 EMPLOYEE OF THE SCHOOL OR SCHOOL DISTRICT FROM USING AN INHALER
14 BECAUSE OF THE EMPLOYEE'S REASONABLE BELIEF FORMED AFTER A REA-
SONABLE AND ORDINARY INQUIRY THAT THE CONDITIONS
15 PRESCRIBED IN SUBSECTION (2) HAD NOT BEEN SATISFIED. A SCHOOL
16 DISTRICT, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, DIRECTOR OR
17 OFFICER OF A NONPUBLIC SCHOOL, OR EMPLOYEE OF A SCHOOL DISTRICT
18 OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION
19 FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY ALLEGEDLY ARIS-
20 ING FROM A PUPIL BEING PERMITTED BY AN EMPLOYEE OF THE SCHOOL OR
21 SCHOOL DISTRICT TO USE AN INHALER BECAUSE OF THE EMPLOYEE'S REA-
SONABLE BELIEF FORMED AFTER A REASONABLE AND ORDINARY INQUIRY

22 THAT THE CONDITIONS PRESCRIBED IN SUBSECTION (2) HAD
23 BEEN SATISFIED. THIS SUBSECTION DOES NOT ELIMINATE, LIMIT, OR
24 REDUCE ANY OTHER IMMUNITY OR DEFENSE THAT A SCHOOL DISTRICT, NON-
25 PUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, DIRECTOR OR OFFICER OF A
26 NONPUBLIC SCHOOL, OR EMPLOYEE OF A SCHOOL DISTRICT OR NONPUBLIC
27 SCHOOL MAY HAVE UNDER SECTION 1178 OR OTHER STATE LAW.

SB0631, As Passed House, February 15, 2000

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1 (4) AS PART OF ITS GENERAL POWERS, A SCHOOL DISTRICT MAY
2 REQUEST A PUPIL'S PARENT OR LEGAL GUARDIAN TO PROVIDE AN EXTRA
3 INHALER TO DESIGNATED SCHOOL PERSONNEL FOR USE IN CASE OF
4 EMERGENCY. A PARENT OR LEGAL GUARDIAN IS NOT REQUIRED TO PROVIDE
5 AN EXTRA INHALER TO SCHOOL PERSONNEL.

6 (5) A PRINCIPAL OR OTHER CHIEF ADMINISTRATOR WHO IS AWARE
7 THAT A PUPIL IS IN POSSESSION OF AN INHALER PURSUANT TO THIS SEC-
8 TION SHALL NOTIFY EACH OF THE PUPIL'S CLASSROOM TEACHERS OF THAT
9 FACT AND OF THE PROVISIONS OF THIS SECTION.

10 (6) AS USED IN THIS SECTION:

11 (A) "SCHOOL BOARD" INCLUDES A SCHOOL BOARD, INTERMEDIATE
12 SCHOOL BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL
13 ACADEMY.

14 (B) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, INTERMEDI-
15 ATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.