

# HOUSE BILL No. 5087

September 25, 2003, Introduced by Reps. Shulman, Taub, Milosch, LaJoy, Ward, Stahl, Shackleton, Palsrok, DeRoche, Sheen, Tabor, Vander Veen, Steil, Pappageorge, Wenke, Acciavatti, Hune, Bisbee, Bradstreet, Mortimer, DeRossett, Stakoe, Hart, Woronchak, Hoogendyk, Newell, Stewart, Meyer, Garfield, Howell, Drolet, Farhat, Brandenburg, Kooiman, Koetje, Meisner and Gielegem and referred to the Committee on Family and Children Services.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

## 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, 1 or more of the~~  
7 **following** at school, on school-sponsored transportation, or at  
8 any activity, event, or program sponsored by or in which the  
9 pupil's school is participating: —

10       (a) A metered dose inhaler or a dry powder inhaler to  
11 alleviate asthmatic symptoms or for use before exercise to

1 prevent the onset of asthmatic symptoms.

2 (b) An epinephrine auto-injector or epinephrine inhaler to  
3 treat anaphylaxis.

4 (2) Subsection (1) applies to a pupil if all of the following  
5 conditions are met:

6 (a) The pupil has written approval to possess and use the  
7 inhaler or epinephrine auto-injector as described in subsection  
8 (1) from the pupil's physician or other health care provider  
9 authorized by law to prescribe an inhaler or epinephrine  
10 auto-injector and, if the pupil is a minor, from the pupil's  
11 parent or legal guardian.

12 (b) The principal or other chief administrator of the pupil's  
13 school has received a copy of each written approval required  
14 under subdivision (a) for the pupil.

15 (3) A school district, nonpublic school, member of a school  
16 board, director or officer of a nonpublic school, or employee of  
17 a school district or nonpublic school is not liable for damages  
18 in a civil action for injury, death, or loss to person or  
19 property allegedly arising from a pupil being prohibited by an  
20 employee of the school or school district from using an inhaler  
21 or epinephrine auto-injector because of the employee's reasonable  
22 belief formed after a reasonable and ordinary inquiry that the  
23 conditions prescribed in subsection (2) had not been satisfied.  
24 A school district, nonpublic school, member of a school board,  
25 director or officer of a nonpublic school, or employee of a  
26 school district or nonpublic school is not liable for damages in  
27 a civil action for injury, death, or loss to person or property

1 allegedly arising from a pupil being permitted by an employee of  
2 the school or school district to use **[or possess]** an inhaler **or**  
3 **epinephrine**  
4 **auto-injector** because of the employee's reasonable belief formed  
5 after a reasonable and ordinary inquiry that the conditions  
6 prescribed in subsection (2) had been satisfied. This subsection  
7 does not eliminate, limit, or reduce any other immunity or  
8 defense that a school district, nonpublic school, member of a  
9 school board, director or officer of a nonpublic school, or  
10 employee of a school district or nonpublic school may have under  
11 section 1178 or other state law.

12 (4) As part of its general powers, a school district may  
13 request a pupil's parent or legal guardian to provide an extra  
14 inhaler **or epinephrine auto-injector** to designated school  
15 personnel for use in case of emergency. A parent or legal  
16 guardian is not required to provide an extra inhaler **or**  
17 **epinephrine auto-injector** to school personnel.

18 (5) A principal or other chief administrator who is aware  
19 that a pupil is in possession of an inhaler **or epinephrine**  
20 **auto-injector** pursuant to this section shall notify each of the  
21 pupil's classroom teachers of that fact and of the provisions of  
22 this section.

23 (6) As used in this section:

24 (a) "School board" includes a school board, intermediate  
25 school board, or the board of directors of a public school  
26 academy.

27 (b) "School district" includes a school district,  
intermediate school district, or public school academy.