

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5087

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 (c) There is on file at the pupil's school a written
16 emergency care plan that contains specific instructions for the
17 pupil's needs, that is prepared by a physician licensed in this
18 state in collaboration with the pupil and the pupil's parent or
19 legal guardian, and that is updated as necessary for changing
20 circumstances.

21 (3) A school district, nonpublic school, member of a school
22 board, director or officer of a nonpublic school, or employee of
23 a school district or nonpublic school is not liable for damages
24 in a civil action for injury, death, or loss to person or
25 property allegedly arising from a pupil being prohibited by an
26 employee of the school or school district from using an inhaler
27 or epinephrine auto-injector because of the employee's reasonable

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

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

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

1 (6) As used in this section:

2 (a) "School board" includes a school board, intermediate
3 school board, or the board of directors of a public school
4 academy.

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