

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1208 Session of  
2024

INTRODUCED BY AUMENT, ARGALL, LAUGHLIN AND PENNYCUICK,  
JUNE 24, 2024

REFERRED TO EDUCATION, JUNE 24, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school health services, providing  
6 for individualized medication plans to administer  
7 medications.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding a  
12 section to read:

13 Section 1414.12. Individualized Medication Plans to  
14 Administer Medications.--(a) Each school entity shall develop a  
15 written policy to allow the school entity to create an  
16 individualized medication plan for how medication used to treat  
17 medical emergencies will be stored and administered in a school  
18 setting. The policy shall comply with section 504 of the  
19 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794)  
20 and 22 Pa. Code Ch. 15 (relating to protected handicapped

1 students). The policy shall be distributed with the code of  
2 student conduct required under 22 Pa. Code § 12.3(c) (relating  
3 to school rules) and made available on the school entity's  
4 publicly accessible Internet website, if any.

5 (b) The policy under this section shall require a child of  
6 school age and their parent or guardian to request an  
7 individualized medication plan to administer medication for  
8 medical emergencies not able to be treated by an asthma inhaler  
9 or epinephrine auto-injector. Upon receipt of the request for an  
10 individualized medication plan, the school entity shall, in  
11 collaboration with the parent or guardian and school nurse,  
12 develop an individualized medication plan for the student. If  
13 the individualized medication plan allows a student to self-  
14 administer medication, the student must demonstrate the  
15 capability for self-administration and for responsible behavior  
16 in the use thereof and to notify the school nurse immediately  
17 following each use of the medication. The school entity shall  
18 develop a system by which the child may demonstrate competency  
19 to the school nurse that the child is capable of self-  
20 administration and has permission for carrying and taking the  
21 self-administered medicine. Determination of competency for  
22 self-administration shall be based on age, cognitive function,  
23 maturity and demonstration of responsible behavior. The school  
24 entity shall restrict the availability of the self-administered  
25 medicine from other children of school age. The policy shall  
26 specify conditions under which a student may lose the privilege  
27 to self-carry the self-administered medicine if the school  
28 entity's policies are abused or ignored. A school entity that  
29 prevents a student from self-carrying a self-administered  
30 medicine shall ensure that the medicine is appropriately stored

1 at locations in close proximity to the student prohibited from  
2 self-carrying and notify the student's classroom teachers of the  
3 places where the self-administered medicines are to be stored  
4 and the means to access them.

5 (c) The individualized medication plan must include the  
6 following:

7 (1) A written request from the parent or guardian of the  
8 student for medication to be administered in a school setting.  
9 The parent or guardian's written request shall include a signed  
10 waiver relieving the school entity or any school employe of any  
11 responsibility for the benefits or consequences of the  
12 prescribed medication when it is parent-authorized or guardian-  
13 authorized and acknowledging that the school entity bears no  
14 responsibility for ensuring that the medication is taken.

15 (2) A written statement from the physician, certified  
16 registered nurse practitioner or physician assistant that  
17 provides the name of the drug, the dose, the times when the  
18 medicine is to be taken and the diagnosis or reason the medicine  
19 is needed unless the reason should remain confidential. The  
20 physician, certified registered nurse practitioner or physician  
21 assistant shall indicate the potential of any serious reaction  
22 that may occur from the medicine, including any necessary  
23 emergency response. The physician, certified registered nurse  
24 practitioner or physician assistant shall state whether the  
25 child is qualified and able to self-administer the medicine.

26 (3) The ability of the school entity to reserve the right to  
27 require a statement from the physician, certified registered  
28 nurse practitioner or physician assistant for the continued use  
29 of a medicine beyond a specified time period. The school entity  
30 shall require updated prescriptions and parental approvals on an

1 annual basis from the pupil.

2 (4) A copy of the individualized medication plan signed by  
3 the parent or guardian, school nurse and school administrator.

4 (d) The department shall create a waiver which must be  
5 signed by the parent or guardian, the student, school nurse and  
6 school administrator to satisfy the waiver requirement under  
7 subsection (c) (1).

8 (e) Nothing in this section shall be construed to create,  
9 establish or expand any civil liability on the part of any  
10 school entity or school employe.

11 (f) As used in this section, "school entity" means a school  
12 district, intermediate unit, charter school or area career and  
13 technical school.

14 Section 2. This act shall take effect in 60 days.