

AN ACT

To amend section 3313.713 of the Revised Code to require schools to adopt a policy regarding the administration of over-the-counter drugs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3313.713 of the Revised Code be amended to read as follows:

Sec. 3313.713. (A) As used in this section:

(1) ~~"Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.~~

(2) ~~"Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.~~

(3)-(2) "Over-the-counter drug" means a drug, as defined in section 4729.01 of the Revised Code, that may be legally sold without a prescription and that is administered without the instruction of a prescriber.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(4) "Prescription drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.

(B) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised Code, to administer prescription drugs prescribed to students enrolled in the schools of the district or the chartered nonpublic school. The policy shall provide either that:

(1) Except as otherwise required by federal law, no person employed by the board or governing authority shall, in the course of such employment, administer any prescription drug prescribed to any student enrolled in the schools of the district or the chartered nonpublic school.

(2) Designated persons employed by the board or governing authority are authorized to administer to a student a prescription drug prescribed for the student. Effective July 1, 2011, only employees of the board or governing authority who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board or governing authority, may administer to a student a prescription drug prescribed for the student. Except as otherwise provided by federal law, the board's

or governing authority's policy may provide that certain prescription drugs or types of prescription drugs shall not be administered or that no employee shall use certain procedures, such as injection, to administer a prescription drug to a student.

(C) No prescription drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur:

(1) The board or governing authority, or a person designated by the board or governing authority, receives a written request, signed by the parent, guardian, or other person having care or charge of the student, that the prescription drug be administered to the student.

(2) The board or governing authority, or a person designated by the board or governing authority, receives a statement, signed by the prescriber, that includes all of the following information:

- (a) The name and address of the student;
- (b) The school and class in which the student is enrolled;
- (c) The name of the prescription drug and the dosage to be administered;
- (d) The times or intervals at which each dosage of the prescription drug is to be administered;
- (e) The date the administration of the prescription drug is to begin;
- (f) The date the administration of the prescription drug is to cease;
- (g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;
- (h) Special instructions for administration of the prescription drug, including sterile conditions and storage.

(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or governing authority or a person designated by the board or governing authority if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.

(4) The person authorized by the board or governing authority to administer the prescription drug receives a copy of the statement required by division (C)(2) or (3) of this section.

(5) The prescription drug is received by the person authorized to administer the prescription drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.

(6) Any other procedures required by the board or governing authority are followed.

(D) If a prescription drug is administered to a student, the board of education or governing authority of the chartered nonpublic school shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer prescription drugs to the student for whom the statement has been received. The board or governing authority, or a person designated by the board

or governing authority, shall establish a location in each school building for the storage of prescription drugs to be administered under this section and federal law. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.

(E) No person who has been authorized by a board of education or governing authority of a chartered nonpublic school to administer a prescription drug and has a copy of the most recent statement required by division (C)(2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the prescription drug is liable in civil damages for administering or failing to administer the prescription drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.

(F) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised Code, to administer over-the-counter drugs to students enrolled in the schools of the district or the chartered nonpublic school. The policy may include provisions on the following:

(1) Whether the district or school will authorize any employees, in the course of their employment, to administer any over-the-counter drugs to students;

(2) Whether the permission of a parent or guardian will be required before a district or school employee may administer an over-the-counter drug to a student.

(G) A board of education or governing authority of a chartered nonpublic school may designate a person or persons to perform any function or functions in connection with a prescription or over-the-counter drug policy adopted under this section either by name or by position, training, qualifications, or similar distinguishing factors.

~~(G)~~(H) A policy adopted by a board of education or governing authority of a chartered nonpublic school pursuant to this section may be changed, modified, or revised by action of the board or the governing authority.

~~(H)~~(I) Nothing in this section shall be construed to require a person employed by a board of education or governing authority of a chartered nonpublic school to administer a prescription or over-the-counter drug to a student unless the board's or governing authority's policy adopted in compliance with this section establishes such a requirement. A board or governing authority shall not require an employee to administer a prescription or over-the-counter drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Nothing in this section affects the application of section 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 3313.7115 of the Revised Code to the administration of emergency care or treatment to a student.

Nothing in this section affects the ability of a public or nonpublic school to participate in a school-based fluoride mouth rinse program established by the director of health pursuant to section

3701.136 of the Revised Code. Nothing in this section affects the ability of a person who is employed by, or who volunteers for, a school that participates in such a program to administer fluoride mouth rinse to a student in accordance with section 3701.136 of the Revised Code and any rules adopted by the director under that section.

~~(H)~~(J) Nothing in this section shall be construed to require a school district or chartered nonpublic school to obtain written authorization or instructions from a health care provider to apply nonprescription topical ointments designed to prevent sunburn. Furthermore, nothing in this section shall be construed to prohibit a student to possess and self-apply nonprescription topical ointment designed to prevent sunburn while on school property or at a school-sponsored event without written authorization or instructions from a healthcare provider. The ~~policy~~policies adopted by a school district or chartered nonpublic school pursuant to this section shall not require written authorization from a health care provider, but may require parental authorization, for the possession or application of such sunscreen. A designated person employed by the board of education of a school district or governing authority of a chartered nonpublic school shall apply sunscreen to a student in accordance with the school district's or governing authority's policy upon request.

SECTION 2. That existing section 3313.713 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____