

Using Inhalers for Asthma at School

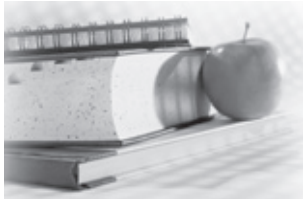
Public Act 10 of 2000 Senate Bill 631 (as enrolled)

A Law Permitting the Use of Inhalers for Asthma at School

The full text of the law is available at:

<http://www.michiganlegislature.org/documents/1999-2000/publicact/htm/2000-PA-0010.htm>

On March 7, 2000, Governor John Engler signed legislation allowing Michigan public and nonpublic school children, under certain conditions, to carry and self-administer prescribed asthma medications on school grounds and during school-sponsored activities. This legislation amended the Michigan School Code to ensure that students with asthma have immediate access to life-saving asthma medications.



Specifically, the law does the following:

Permits a student, under certain conditions, to possess and use a metered dose inhaler or dry powder inhaler to alleviate asthma symptoms, or before exercise to prevent the onset of these symptoms at school or school sponsored activities and programs (e.g., school sponsored transportation; activities, events, or programs in which the student's school is participating). This only applies if the school or school district does not have any kind of policy to the contrary.

In order for the student to possess and use their inhaler, the following conditions must be met:

- 1) The student must have written permission to possess and use their inhaler from his or her physician or other health care provider authorized to prescribe an inhaler;
- 2) If the student is a minor (under the age of 18), they must also have permission from his or her parent or legal guardian to possess and use their inhaler; and
- 3) The principal or chief administrator at the school must have received a copy of each written approval for the student.



A school district may request that a student's parent or legal guardian provide an extra inhaler to designated school personnel in case of an emergency, but a parent or legal guardian is not required to provide an extra inhaler.

The principal or chief administrator of the school must notify each of the student's teachers that the student possesses an inhaler and the provision of the law allowing them to do so.

Under the law, school personnel (including the school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school) are NOT liable for any damages resulting from permitting a student to use, or prohibiting a student from



using an inhaler if an employee has a reasonable belief formed after a reasonable and ordinary inquiry that the bill's conditions have, or have not been met.

(The law specifies that these provisions do not eliminate, limit, or reduce any other immunity or defense that a school district, nonpublic school, or school employee may have under other State law or the Code's provision exempting certain school personnel from civil or criminal liability for administering medication to a student—Michigan Compiled Law 380.1178)