

SENATE BILL No. 51

By Senator Faust-Goudeau

1-25

1 AN ACT concerning school districts; relating to the dispensing of
2 medication.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) ~~Any policy adopted by a school district regarding the~~
6 ~~dispensing of medication to students enrolled in such school district shall~~
7 ~~comply with the provisions of this section. Such policy shall provide that~~
8 ~~a student may be given over-the-counter medication in the recommended~~
9 ~~dosage provided that the school has obtained written consent from the~~
10 ~~parent or legal guardian of the student authorizing the dispensing of such~~
11 ~~medication to the student.~~ ***All school districts shall consider adopting a***
12 ***policy regarding the administration of over-the-counter medications to***
13 ***students enrolled in such school district. If such a policy is adopted the***
14 ***board of education may designate which over-the-counter medications***
15 ***may be administered pursuant to such policy, and may decide whether***
16 ***the written authorization of a parent or legal guardian shall be required***
17 ***prior to the administration of such over-the-counter medication.***

18 (b) Nothing in this section shall be construed to require ***or prohibit***
19 ***requiring*** a health care provider's written authorization prior to ~~dispensing~~
20 ***administering*** over-the-counter medication in accordance with subsection
21 (a).

22 (c) Nothing in this section shall be construed to require a school nurse
23 or other school employee to ~~dispense~~ ***administer*** over-the-counter
24 medication other than as recommended on the label of the package
25 containing such over-the-counter medication, or to ~~dispense~~ ***administer***
26 any prescription medication without first obtaining written authorization
27 from a health care provider.

28 (d) The board of education of any school district that has adopted a
29 policy subject to the provisions of this section, may adopt any additional
30 policies pursuant to subsection (e) of K.S.A. 72-8205, and amendments
31 thereto, which the board deems necessary to implement the requirements
32 of this section.

33 (e) ***Any policy adopted pursuant to this section shall be reviewed by***
34 ***the board of education of such school district at least once every three***
35 ***years. Upon completing its review, the board of education shall amend***
36 ***the policy, if necessary, and either adopt such policy, as amended or***

1 ***without amendment, or rescind such policy.***

2 **(e) (f)** As used in this section:

3 (1) "Health care provider" means:

4 (A) A physician licensed to practice medicine and surgery;

5 (B) an advanced registered nurse practitioner issued a certificate of
6 qualification pursuant to K.S.A. 65-1131, and amendments thereto, who
7 has authority to prescribe drugs as provided by K.S.A. 65-1130, and
8 amendments thereto;

9 (C) a physician assistant licensed pursuant to the physician assistant
10 licensure act who has authority to prescribe drugs pursuant to a written
11 protocol with a responsible physician under K.S.A. 65-28a08, and
12 amendments thereto; or

13 (D) a dentist licensed to practice dentistry.

14 (2) "Over-the-counter medication" means any drug available for
15 purchase without a prescription.

16 (3) "School" means any public or accredited nonpublic school.

17 Sec. 2. This act shall take effect and be in force from and after its
18 publication in the statute book.

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