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SFA**BILL ANALYSIS**

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Senate Bill 631 (as introduced 6-2-99)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Education

Date Completed: 10-13-99

CONTENT

The bill would amend the Revised School Code to do the following:

- **Permit a pupil, under certain conditions, to possess and use an inhaler to alleviate asthmatic symptoms or prevent the onset of these symptoms at school or school-sponsored activities and programs.**
- **Require a pupil to have written permission to possess and use an inhaler, and require that a principal or other chief school administrator receive a copy of the approval.**
- **Exempt school personnel, as specified in the bill, from civil liability for permitting a pupil to use, or prohibiting a pupil from using, an inhaler because an employee believed that the bill's conditions had, or had not, been met.**

Under the bill, a pupil of a public school or nonpublic school could possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school was participating, notwithstanding any school or school district policy to the contrary. The bill would apply to a pupil if both of the following conditions were met: the pupil had written approval to possess and use the inhaler, as described above, from his or her physician and, if the pupil were a minor, from his or her parent or legal guardian; and, the principal or other chief administrator of the pupil's school had received a copy of each written approval for the pupil.

A 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 would not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil's being prohibited by an employee of the school or school district from using an inhaler because of the employee's good faith belief that the conditions prescribed in the bill had not been satisfied. These school personnel also would be exempt from civil liability, as specified above, for permitting a pupil to use an inhaler because of an employee's good faith belief that the bill's conditions had been satisfied.

The bill specifies that these provisions would not eliminate, limit, or reduce any other immunity or defense that a school district, nonpublic school, school board member, director or officer of a nonpublic school, or employee of a school or nonpublic school may have under other State law or the Code's provisions exempting certain school personnel from civil or criminal liability for administering medication to a pupil (MCL 380.1178).

(Under the bill, “school board” would include a school board, intermediate school board, or the board of directors of a public school academy. “School district” would include a school district, intermediate school district, or public school academy.)

Proposed MCL 380.1179

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: J. Carrasco

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