

Education; students; students possessing and using inhalers for asthma at school; allow and exempt school personnel from liability under certain circumstances.

EDUCATION: Students; EDUCATION: Other; EDUCATION: Employees;  
HEALTH: Pharmaceuticals

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1179.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1179. (1) IF THE CONDITIONS PRESCRIBED IN SUBSECTION  
2 (2) ARE MET, NOTWITHSTANDING ANY SCHOOL OR SCHOOL DISTRICT POLICY  
3 TO THE CONTRARY, A PUPIL OF A PUBLIC SCHOOL OR NONPUBLIC SCHOOL  
4 MAY POSSESS AND USE A METERED DOSE INHALER OR A DRY POWDER  
5 INHALER TO ALLEVIATE ASTHMATIC SYMPTOMS, OR BEFORE EXERCISE TO  
6 PREVENT THE ONSET OF ASTHMATIC SYMPTOMS, AT SCHOOL, ON  
7 SCHOOL-SPONSORED TRANSPORTATION, OR AT ANY ACTIVITY, EVENT, OR  
8 PROGRAM SPONSORED BY OR IN WHICH THE PUPIL'S SCHOOL IS  
9 PARTICIPATING.  
10        (2) SUBSECTION (1) APPLIES TO A PUPIL IF ALL OF THE  
11 FOLLOWING CONDITIONS ARE MET:

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1 (A) THE PUPIL HAS WRITTEN APPROVAL TO POSSESS AND USE THE  
2 INHALER AS DESCRIBED IN SUBSECTION (1) FROM THE PUPIL'S PHYSICIAN  
3 AND, IF THE PUPIL IS A MINOR, FROM THE PUPIL'S PARENT OR LEGAL  
4 GUARDIAN.

5 (B) THE PRINCIPAL OR OTHER CHIEF ADMINISTRATOR OF THE  
6 PUPIL'S SCHOOL HAS RECEIVED A COPY OF EACH WRITTEN APPROVAL  
7 REQUIRED UNDER SUBDIVISION (A) FOR THE PUPIL.

8 (3) A SCHOOL DISTRICT, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL  
9 BOARD, DIRECTOR OR OFFICER OF A NONPUBLIC SCHOOL, OR EMPLOYEE OF  
10 A SCHOOL DISTRICT OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES  
11 IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO PERSON OR PROP-  
12 ERTY ALLEGEDLY ARISING FROM A PUPIL BEING PROHIBITED BY AN  
13 EMPLOYEE OF THE SCHOOL OR SCHOOL DISTRICT FROM USING AN INHALER  
14 BECAUSE OF THE EMPLOYEE'S GOOD FAITH BELIEF THAT THE CONDITIONS  
15 PRESCRIBED IN SUBSECTION (2) HAD NOT BEEN SATISFIED. A SCHOOL  
16 DISTRICT, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, DIRECTOR OR  
17 OFFICER OF A NONPUBLIC SCHOOL, OR EMPLOYEE OF A SCHOOL DISTRICT  
18 OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION  
19 FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY ALLEGEDLY ARIS-  
20 ING FROM A PUPIL BEING PERMITTED BY AN EMPLOYEE OF THE SCHOOL OR  
21 SCHOOL DISTRICT TO USE AN INHALER BECAUSE OF THE EMPLOYEE'S GOOD  
22 FAITH BELIEF THAT THE CONDITIONS PRESCRIBED IN SUBSECTION (2) HAD  
23 BEEN SATISFIED. THIS SUBSECTION DOES NOT ELIMINATE, LIMIT, OR  
24 REDUCE ANY OTHER IMMUNITY OR DEFENSE THAT A SCHOOL DISTRICT, NON-  
25 PUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, DIRECTOR OR OFFICER OF A  
26 NONPUBLIC SCHOOL, OR EMPLOYEE OF A SCHOOL DISTRICT OR NONPUBLIC  
27 SCHOOL MAY HAVE UNDER SECTION 1178 OR OTHER STATE LAW.

1 (4) AS USED IN THIS SECTION:

2 (A) "SCHOOL BOARD" INCLUDES A SCHOOL BOARD, INTERMEDIATE  
3 SCHOOL BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL  
4 ACADEMY.

5 (B) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, INTERMEDI-  
6 ATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.