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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3973

02/19/2024 Authored by Virnig, Baker, Clardy, Bierman, Youakim and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying requirements for administration of drugs and
1.3 medicine in schools; amending Minnesota Statutes 2022, section 121A.22,
1.4 subdivisions 2, 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 121A.22, subdivision 2, is amended to read:

1.7 Subd. 2. Exclusions. In addition, this section does not apply to drugs or medicine that
1.8 are:

1.9 (1) purchased without a prescription;

1.10 (2) used by a pupil who is 18 years old or older;

1.11 (3) used in connection with services for which a minor may give effective consent,
1.12 including section 144.343, subdivision 1, and any other law;

1.13 (4) used in situations in which, in the judgment of the school personnel, including a
1.14 licensed nurse, who are present or available, the risk to the pupil's life or health is of such
1.15 a nature that drugs or medicine should be given without delay;

1.16 (5) used off the school grounds;

1.17 (6) used in connection with athletics or extra curricular activities;

1.18 (7) used in connection with activities that occur before or after the regular school day;

1.19 (8) provided or administered by a public health agency to prevent or control an illness
1.20 or a disease outbreak as provided for in sections 144.05 and 144.12;

2.1 (9) prescription asthma or reactive airway disease medications self-administered by a
2.2 pupil with an asthma inhaler, consistent with section 121A.221, if the district has received
2.3 a written authorization from the pupil's parent permitting the pupil to self-administer the
2.4 medication, the inhaler is properly labeled for that student, and the parent has not requested
2.5 school personnel to administer the medication to the pupil. The parent must submit written
2.6 authorization for the pupil to self-administer the medication each school year; or

2.7 (10) epinephrine auto-injectors, consistent with section 121A.2205, if the parent and
2.8 prescribing medical professional annually inform the pupil's school in writing that (i) the
2.9 pupil may possess the epinephrine or (ii) the pupil is unable to possess the epinephrine and
2.10 requires immediate access to epinephrine auto-injectors that the parent provides properly
2.11 labeled to the school for the pupil as needed.

2.12 Sec. 2. Minnesota Statutes 2022, section 121A.22, subdivision 4, is amended to read:

2.13 Subd. 4. **Administration.** Drugs and medicine subject to this section must be administered
2.14 in a manner consistent with instructions on the label. Drugs and medicine subject to this
2.15 section must be administered, to the extent possible, according to school board procedures
2.16 that must be developed in consultation:

2.17 (1) with a licensed school nurse, in a district that employs a school nurse;

2.18 (2) with a licensed school nurse, in a district that employs a licensed school nurse licensed
2.19 under Minnesota Rules, part 8710.6100;

2.20 (3) with a public or private health or health-related organization, in a district that contracts
2.21 with a public or private health or health-related organization, according to section 121A.21;
2.22 or

2.23 (4) with the appropriate party, in a district that has an arrangement approved by the
2.24 commissioner of education, according to section 121A.21.