

HOUSE BILL NO. 88

Introduced: 01/05/83

Referred to Committee on Human Services: 01/05/83

Hearing: 1/12/83

Report: 01/17/83, Do Not Pass

bill Killed: 01/19/83

1 *House* BILL NO. *88*  
2 INTRODUCED BY *Bill Hard* *and* *Brian* *Nancy Keenan*  
3 *Boyer*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CERTIFIED  
5 SCHOOL EMPLOYEE TO ADMINISTER A PRESCRIBED MEDICINE TO A  
6 STUDENT ACCORDING TO A DOCTOR'S INSTRUCTIONS ON THE MEDICINE  
7 AND WRITTEN INSTRUCTIONS FROM THE PARENT."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Administration of prescribed medicine by  
11 certified school employee. (1) A certified school employee  
12 may administer a prescribed medicine to the student for whom  
13 it is prescribed, if:

14 (a) the certified school employee elects to administer  
15 such a prescribed medicine; and

16 (b) the administration is in compliance with [section  
17 2] and with the written instructions of the prescribing  
18 physician on the medicine.

19 (2) A school nurse or certified school employee who in  
20 good faith administers a prescribed medicine to a student in  
21 compliance with [section 2] and with the written  
22 instructions of the physician on the prescribed medicine is  
23 not liable for civil damages as a result of the  
24 administration except for an act or omission constituting  
25 gross negligence or willful or wanton misconduct.

1 Section 2. Written permission from parent or guardian  
2 -- possession of medicine. (1) The parent or guardian must  
3 give written permission for the administration of the  
4 prescribed medicine at school.

5 (2) At no time may any school employee allow the  
6 student or any other student to have possession of the  
7 prescribed medicine.

8 Section 3. Codification instruction. Sections 1 and 2  
9 are intended to be codified as an integral part of Title 20,  
10 chapter 4, part 3, and the provisions of Title 20 apply to  
11 sections 1 and 2.

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