

53A-11-601 Administration of medication to students -- Prerequisites -- Immunity from liability.

- (1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication to any student during periods when the student is under the control of the school, subject to the following conditions:
 - (a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and school nurses shall adopt policies that provide for:
 - (i) the designation of volunteer employees who may administer medication;
 - (ii) proper identification and safekeeping of medication;
 - (iii) the training of designated volunteer employees by the school nurse;
 - (iv) maintenance of records of administration; and
 - (v) notification to the school nurse of medication that will be administered to students; and
 - (b) medication may only be administered to a student if:
 - (i) the student's parent or legal guardian has provided a current written and signed request that medication be administered during regular school hours to the student; and
 - (ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
- (2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent or guardian.
- (3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:
 - (a) any adverse reaction suffered by the student as a result of taking the medication; and
 - (b) discontinuing the administration of the medication under Subsection (2).

Amended by Chapter 173, 2008 General Session