

AMENDED IN SENATE JULY 3, 2001
AMENDED IN SENATE JUNE 14, 2001
AMENDED IN SENATE JUNE 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1061

**Introduced by Assembly Member Dickerson
(Coauthors: Assembly Members Cox, Koretz, and Pescetti)**

February 23, 2001

An act to amend Section 49423 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1061, as amended, Dickerson. Pupil health.

Existing law provides that any pupil who is required to take, during the regular schoolday, medication prescribed by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives certain written statements from the physician and the parent or guardian of the pupil.

This bill would authorize designated school personnel, during the regular schoolday, to assist a pupil to take or apply medication for which a prescription is not required if the school district receives a written statement from the parent or guardian of the pupil indicating the desire of the parent or guardian that the pupil be allowed to take or apply the medication. The bill would provide that the medication may only be taken or applied in accordance with the original package instructions. The bill would ~~authorize~~ *require* the designated school personnel to *contact the pupil's parent or guardian and the school nurse if they*

decide not to ~~administer~~ *assist the pupil with* the medication ~~if as the result of~~ a visual screening of the pupil ~~that~~ indicates ~~that~~ the medication is contrary to the goal of protecting the health status of the pupil.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49423 of the Education Code is
2 amended to read:

3 49423. (a) Notwithstanding Section 49422, any pupil who is
4 required to take, during the regular schoolday, medication
5 prescribed for him or her by a physician, may be assisted by the
6 school nurse or other designated school personnel if the school
7 district receives (1) a written statement from the physician
8 detailing the method, amount, and time schedules by which the
9 medication is to be taken and (2) a written statement from the
10 parent or guardian of the pupil indicating the desire that the school
11 district assist the pupil in the matters set forth in the physician’s
12 statement.

13 (b) Notwithstanding Section 49422, any pupil may be assisted
14 by designated school personnel to take or apply, during the regular
15 schoolday, medication for which a prescription is not required if
16 the school district receives a written statement from the parent or
17 guardian of the pupil indicating the desire of the parent or guardian
18 that the pupil be allowed to take or apply the medication. *For the*
19 *purpose of this subdivision, the phrase “assisted by designated*
20 *school personnel” means that school personnel shall maintain*
21 *possession of the medication and shall ensure that the pupil takes*
22 *the medication in accordance with the original packaging*
23 *instructions. The medication may only be taken or applied in*
24 *accordance with the original package instructions. The designated*
25 *school personnel may decide not to ~~administer~~ assist the pupil with*
26 *the medication if a visual screening of the pupil indicates that the*
27 *medication is contrary to the goal of protecting the health status ~~of~~*
28 *the ~~pupil pursuant to Section 49426.~~ of the pupil. If school*
29 *personnel choose not to assist a pupil in taking nonprescription*
30 *medication due to concerns about the pupil’s health, the school*



- 1 *personnel making this judgment shall contact the pupil's parent or*
- 2 *guardian and the school nurse and inform them of the situation.*

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