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AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING STUDENTS TO CARRY AND
SELF-ADMINISTER ASTHMA MEDICATION AND EMERGENCY ANAPHYLAXIS
MEDICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986,
Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES--STUDENTS MAY
SELF-ADMINISTER CERTAIN MEDICATIONS.--

A. Local school boards shall establish student
discipline policies and shall file them with the department.
The local school board shall involve parents, school
personnel and students in the development of these policies,
and public hearings shall be held during the formulation of
these policies in the high school attendance areas within
each school district or on a district-wide basis for those
school districts that have no high school.

B. Each school district discipline policy shall
establish rules of conduct governing areas of student and
school activity, detail specific prohibited acts and
activities and enumerate possible disciplinary sanctions,
which sanctions may include corporal punishment, in-school
suspension, school service, suspension or expulsion.

C. An individual school within a school district

1 may establish a school discipline policy, provided that
2 parents, school personnel and students are involved in its
3 development and a public hearing is held in the school prior
4 to its adoption. If an individual school adopts a discipline
5 policy in addition to the local school board's school
6 district discipline policy, it shall submit its policy to the
7 local school board for approval.

8 D. No school employee who in good faith reports
9 any known or suspected violation of the school discipline
10 policy or in good faith attempts to enforce the policy shall
11 be held liable for any civil damages as a result of such
12 report or of the employee's efforts to enforce any part of
13 the policy.

14 E. All public school and school district
15 discipline policies shall allow students to carry and
16 self-administer asthma medication and emergency anaphylaxis
17 medication that has been legally prescribed to the student by
18 a licensed health care provider under the following
19 conditions:

20 (1) the health care provider has instructed
21 the student in the correct and responsible use of the
22 medication;

23 (2) the student has demonstrated to the
24 health care provider and the school nurse or other school
25 official the skill level necessary to use the medication and

1 any device that is necessary to administer the medication as
2 prescribed;

3 (3) the health care provider formulates a
4 written treatment plan for managing asthma or anaphylaxis
5 episodes of the student and for medication use by the student
6 during school hours or school-sponsored activities, including
7 transit to or from school or school-sponsored activities; and

8 (4) the student's parent has completed and
9 submitted to the school any written documentation required by
10 the school or the school district, including the treatment
11 plan required in Paragraph (3) of this subsection and other
12 documents related to liability.

13 F. The parent of a student who is allowed to carry
14 and self-administer asthma medication and emergency
15 anaphylaxis medication may provide the school with backup
16 medication that shall be kept in a location to which the
17 student has immediate access in the event of an asthma or
18 anaphylaxis emergency.

19 G. Authorized school personnel who in good faith
20 provide a person with backup medication as provided in this
21 section shall not be held liable for civil damages as a
22 result of providing the medication." _____

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