

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 224-34 (COR) **Speaker Antonio R. Unpingco Legislative Session Hall**
 As amended on the Floor. **July 6, 2018**

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. ADA	✓					
Senator FRANK B. AGUON, JR.	✓					
Senator William M. CASTRO	✓					
Speaker Benjamin J.F. CRUZ	✓					
Senator James V. ESPALDON	✓					
Senator Fernando Barcinas ESTEVES	✓					
Senator Régine Biscoe LEE	✓					
Senator Tommy MORRISON	✓					
Senator Louise B. MUÑA	✓					
Senator Telena Cruz NELSON	✓					
Senator Dennis G. RODRIGUEZ, JR.	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Michael F.Q. SAN NICOLAS	✓					
Vice Speaker Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL: 15

	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
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CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 224-34 (COR)

As amended on the Floor.

*

Introduced by:

Mary Camacho Torres

AN ACT TO *ADD* A NEW CHAPTER 9A TO TITLE 17 OF GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE STUDENT HEALTH SERVICES REQUIREMENTS APPLICABLE TO GUAM DEPARTMENT OF EDUCATION SCHOOLS, AUTHORIZING THE DELEGATION OF STUDENT HEALTH SERVICES TO SCHOOL EMPLOYEES OTHER THAN HEALTH CARE PRACTITIONERS UNDER SPECIFIC CIRCUMSTANCES, AND LIMITING THE LIABILITY OF EMPLOYEES PROVIDING STUDENT HEALTH SERVICES AND ADMINISTERING EMERGENCY MEDICATION; TO BE KNOWN AS THE “EVIE YOUNG STUDENT HEALTH SERVICES ACT.”

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that many
3 students with chronic health conditions or illnesses attend Guam’s schools and
4 require medications that affect attendance or program participation. Guam
5 Department of Education statistics show that more than one thousand seven hundred
6 (1,700) students have asthma, more than one thousand two hundred (1,200) students
7 have severe allergies, more than two hundred (200) students have a seizure disorder,
8 and more than fifty (50) students have diabetes.

1 Asthma is a chronic condition requiring lifetime, ongoing medical
2 intervention. According to the Centers for Disease Control and Prevention, asthma
3 is a common cause of missed school days. Immediate and correct use of inhaled
4 bronchodilators and auto-injectable epinephrine is necessary to avoid serious
5 respiratory complications and improve health care outcomes.

6 An increasing number of students have life-threatening allergies.
7 Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill
8 within minutes. According to the American Academy of Allergy, Asthma, and
9 Immunology, people who have experienced symptoms of anaphylaxis previously are
10 at risk for subsequent reactions and should carry an epinephrine auto-injector with
11 them at all times, if prescribed. Anaphylaxis requires prompt medical intervention
12 with an injection of epinephrine. Anaphylaxis occurs in some asthma patients.

13 Epilepsy is a chronic neurological condition characterized by recurrent
14 seizures. It is also called a seizure disorder. The severity of epilepsy and the type of
15 seizure vary from person to person. Although there is no cure for epilepsy,
16 antiepileptic drugs successfully prevent seizures in the majority of people who take
17 them regularly and as prescribed. It has been estimated that seizures can be
18 completely controlled in fifty percent (50%) of individuals with epilepsy for
19 substantial periods of time, while another twenty percent (20%) experience a
20 significant reduction in the number of seizures.

21 Diabetes is a chronic disease in which the body does not make or properly use
22 insulin, a hormone needed to convert sugar, starches, and other food into energy.
23 Neither insulin nor other medications are cures for diabetes but are needed to help
24 control the disease. If not treated appropriately, diabetes can lead to serious health
25 problems. However, these problems can be greatly reduced or delayed by keeping
26 blood glucose levels near normal. Monitoring blood glucose levels and taking

1 medications when necessary are two (2) important factors involved in the day-to-
2 day management of diabetes.

3 In the case of allergies and anaphylaxis, asthma, seizure disorders and
4 diabetes, timely administration of medication can save a student’s life. Due to the
5 large number of students who require medication, whether in the classroom, during
6 afterschool activities, or traveling to and from school functions, school nurses
7 sometimes need assistance to provide health services and administer medications.
8 Currently, school nurses are not authorized to delegate these tasks to nonmedical
9 personnel. Delegation is particularly vital in time-sensitive emergency situations
10 where the nurse may not be capable of responding within the initial moments that
11 matter the most. While teachers and other school employees have long wanted to
12 help, legal uncertainty has prevented them from doing so on Guam. This situation
13 places our students at risk.

14 **Section 2.** A new Chapter 9A is *added* to Title 17 of Guam Code Annotated,
15 to read as follows:

16 **“CHAPTER 9A**

17 **STUDENT HEALTH SERVICES ACT**

18 Article 1. General Provisions.

19 Article 2. Student Health Services.

20 Article 3. Administration of Medications.

21 Article 4. Specific Conditions.

22 Article 5. Rights of Students and Parents.

23 **ARTICLE 1**

24 **GENERAL PROVISIONS**

25 § 9A101. Citation.

26 § 9A102. General Policy.

27 § 9A103. Definitions.

1 **§ 9A101. Citation.**

2 This Chapter may be cited as the *Evie Young Student Health Services*
3 *Act.*

4 **§ 9A102. General Policy.**

5 *I Liheslaturan Guåhan* declares that students with serious health conditions
6 should not be prevented from receiving critical medications in the most expedient
7 and safe manner possible. This Chapter *shall* be construed to facilitate unobstructed
8 access to health services and administration of medicines, including during
9 emergency events, for elementary and secondary school students in Guam
10 Department of Education schools.

11 **§ 9A103. Definitions.**

12 As used in this Chapter:

13 (a) *Anaphylaxis* means an allergic reaction resulting from
14 sensitization following prior contact with an antigen which can be a life-
15 threatening emergency. Anaphylaxis may be triggered by, among other
16 agents, foods, drugs, injections, insect stings, and physical activity.

17 (b) *Condition requiring prescribed medication* includes any serious
18 medical condition that requires prescribed medications, such as asthma,
19 allergies placing the student at risk of anaphylaxis, a seizure disorder, or
20 diabetes mellitus.

21 (c) *Health care practitioner* means a physician or other health care
22 provider who has prescriptive authority.

23 (d) *Health services* means the provision of direct health care,
24 including the administration of medication; the operation, maintenance, or
25 health care through the use of medical equipment; or the administration of
26 clinical procedures.

1 (e) *Medications* means all medicines individually prescribed by a
2 health care practitioner that pertain to asthma or are used to treat anaphylaxis,
3 including, but not limited to, inhaled bronchodilators and auto-injectable
4 epinephrine; or that pertain to diabetes, including, but not limited to, Glucagon
5 or insulin; or that pertain to a seizure disorder.

6 (f) *School employee* means an individual working in association
7 with a Guam Department of Education school, not to include employees of
8 charter schools, parochial schools, or Department of Defense schools.

9 (g) *Self-administration* means the student's use of his or her
10 prescribed medication, pursuant to a prescription or written direction from a
11 health care practitioner.

12 (h) *Superintendent* means the Superintendent of the Guam
13 Department of Education.

14 **ARTICLE 2**

15 **STUDENT HEALTH SERVICES**

16 § 9A201. Student Health Services.

17 § 9A202. Provision of Health Services, Delegation.

18 **§ 9A201. Student Health Services.**

19 (a) The Guam Department of Education *shall* provide leadership and
20 assistance to schools relating to student health services. The Department, working
21 in cooperation with the Department of Public Health and Social Services, *shall*
22 provide, contract for services, or identify resources to improve student health
23 services, including, but not limited to, the following:

24 (1) standardized protocols and guidelines for health procedures to be
25 performed by health care practitioners and school employees. The protocols
26 and guidelines *shall* include, but *not* be limited, to the following:

1 (A) the delegation of nursing functions consistent with
2 administrative rules and regulations promulgated by the Guam Board
3 of Nurse Examiners to the extent that such rules and regulations are not
4 inconsistent with this Chapter;

5 (B) training of designated nonmedical school employees; and

6 (C) appropriate documentation and recordkeeping, including,
7 but not limited to, notification to school administrators and parents or
8 guardians of the provision of health services by a school employee,
9 including certification of medical necessity for health services signed
10 by a health care practitioner, and informed consent by a parent or
11 guardian for the provision of health services.

12 A copy of the protocols and guidelines *shall* be made available
13 to every Department of Education school and *shall* be maintained by
14 each school in a publicly available place;

15 (2) consultation, technical assistance, and development of quality
16 improvement measures for the Superintendent and individual Guam
17 Department of Education schools;

18 (3) facilitation of data collection and reporting of school health
19 services; and

20 (4) information and resources that relate to the provision of school
21 health services.

22 (b) The Guam Department of Education *shall* establish or designate a
23 position to assist in carrying out the responsibilities required under Subsection (a) of
24 this Section. The position may be established or designated using existing personnel
25 resources, or by contract, with an individual who:

1 (1) holds, at a minimum, a bachelor's degree in nursing with a
2 master's degree in nursing or a related field from an accredited postsecondary
3 institution; and

4 (2) is a registered nurse licensed under the provisions of Chapter 12
5 of Title 10, Guam Code Annotated.

6 **§ 9A202. Provision of Health Services, Delegation.**

7 (a) Health services *shall* be provided in a school setting by:

8 (1) a physician who is licensed under the provisions of Chapter 12
9 of Title 10, Guam Code Annotated;

10 (2) an advanced practice registered nurse, registered nurse, or
11 licensed practical nurse who is licensed under the provisions of Chapter 12 of
12 Title 10, Guam Code Annotated;

13 (3) a non-licensed health technician that has the administration of
14 health services in his or her contract or job description as a job responsibility,
15 and who is delegated responsibility to perform the health service by a
16 physician, an advanced practice registered nurse, or a registered nurse, and
17 has been trained and approved, in writing, by the delegating physician or
18 delegating nurse for delegable health services; or

19 (4) a school employee who is delegated responsibility to perform the
20 health service by a physician, an advanced practice registered nurse, or a
21 registered nurse; and

22 (A) has been trained by the delegating physician or delegating
23 nurse for the specific health service, if that health service is one that
24 could be delegated by the physician or nurse within his or her scope of
25 practice; and

26 (B) has been approved, in writing, by the delegating physician
27 or delegating nurse. The approval *shall* state that the school employee

1 consents to perform the health service when the employee does not have
2 the administration of health services in his or her contract or job
3 description as a job responsibility, possesses sufficient training and
4 skills, and has demonstrated competency to safely and effectively
5 perform the health service. The school employee *shall* acknowledge
6 receipt of training by signing the approval form. A copy of the approval
7 form *shall* be maintained in the corresponding student's record and the
8 personnel file of the school employee. A delegation to a school
9 employee under this paragraph *shall* be valid *only* for the current school
10 year. Nothing in this Section shall be construed to require a school
11 employee to consent to provide health services when the employee does
12 not have the administration of health services in his or her contract or
13 job description as a job responsibility.

14 (b) If at any time no school employee meeting the qualifications of
15 Subsection (a) of this Section is available, the Superintendent *shall* make any
16 necessary arrangement for the provision of the health services in order to prevent a
17 loss of a health service from affecting students' attendance or program participation.

18 (c) Limitation of Liability. A school employee who has been properly
19 delegated responsibility for performing a health service under this Section *shall* act
20 as an agent of the school and be granted liability protection under the Paul P.
21 Coverdell Teacher Liability Protection Act of 2001 (Public Law 107-110), unless
22 the claimant establishes by clear and convincing evidence that harm was proximately
23 caused by an act or omission of the school employee that constitutes gross
24 negligence, willful or criminal misconduct, or a conscious, flagrant indifference to
25 the rights or safety of the individual harmed.

26 (d) Nothing in this Section shall be construed to deny a student his or her
27 right to attend a Guam Department of Education school and to receive public school

1 services, or to deny, prohibit, or limit the administration of emergency first aid or
2 emergency procedures.

3 **ARTICLE 3**

4 **ADMINISTRATION OF MEDICATIONS**

5 § 9A301. Student Self-Administration and Possession of Medications.

6 § 9A302. Administration of Medications by School Employees.

7 **§ 9A301. Student Self-Administration and Possession of Medications.**

8 (a) The Superintendent *shall* permit the self-administration of medications
9 by a student with a condition requiring prescribed medication if the student’s parent
10 or guardian:

11 (1) provides a written authorization to the school for the student to
12 self-administer prescribed medication; and

13 (2) provides a written statement from the student’s health care
14 practitioner that the student has a condition requiring prescribed medication
15 and has been instructed in self-administration of the student’s prescribed
16 medications to treat the condition. The statement *shall* also contain the
17 following information:

18 (A) the name and purpose of the medication;

19 (B) the prescribed dosage;

20 (C) the route of administration;

21 (D) the frequency or precise times in which the medication
22 may be administered;

23 (E) the circumstances under which the medication may be
24 administered; and

25 (F) the length of time for which the medications are
26 prescribed.

1 (b) Recordkeeping. The statements required in Subsection (a) of this
2 Section *shall* be kept on file in the office of the school nurse or school administrator.

3 (c) Limitation of Liability.

4 (1) Disclosure. The Superintendent *shall* inform the parent or
5 guardian of the student that the government of Guam, the school, and its
6 employees and agents shall incur no liability, except as provided in this
7 Chapter, as a result of any injury sustained by the student from the self-
8 administration of his or her prescribed medications, unless the injury is the
9 result of gross negligence, willful or criminal misconduct, or a conscious,
10 flagrant indifference to the rights or safety of the individual harmed on behalf
11 of the school or its employees or agents.

12 (2) Acknowledgment. The parent or guardian of the student *shall*
13 sign a statement acknowledging that the government of Guam and the school
14 shall incur no liability, except as provided in this Chapter, and the parent or
15 guardian *shall* indemnify and hold harmless the government of Guam, the
16 school, and its employees and agents against any claims relating to the self-
17 administration of prescribed medications, unless the injury is the result of
18 gross negligence, willful or criminal misconduct, or a conscious, flagrant
19 indifference to the rights or safety of the individual harmed on behalf of the
20 school or its employees or agents.

21 (d) Upon request by the parent or student, the student *shall* have access to
22 a private area for self-administering prescribed medication.

23 (e) Renewal of Permission. The permission for self-administration of
24 medications *shall* be effective for the school year in which it is granted and *shall* be
25 renewed each following school year upon fulfilling the requirements of Subsections
26 (a), (b), and (c) of this Section.

1 (f) Possession of Medication. Upon fulfilling the requirements of
2 Subsections (a), (b), and (c) of this Section, a student with a condition requiring
3 prescribed medication may possess and use prescribed medications when at school,
4 during school-sponsored activities, or before and after normal school activities,
5 including school-sponsored child care or afterschool programs and travel to and
6 from any school-sponsored activity.

7 (g) Diabetes Care Tasks. Upon fulfilling the requirements of Subsections
8 (a), (b), and (c) of this Section, a student with diabetes *shall* be permitted to perform
9 blood glucose checks, administer insulin through the insulin delivery system the
10 student uses, treat hypoglycemia, and otherwise attend to the care and management
11 of his or her diabetes when at school, during school-sponsored activities, or before
12 and after normal school activities, including school-sponsored child care or
13 afterschool programs. A student *shall* be permitted to possess on his or her person at
14 all times necessary supplies and equipment to perform these monitoring and
15 treatment functions. Upon request by the parent or student, the student *shall* have
16 access to a private area for performing diabetes care tasks. Any training of a school
17 employee in diabetes care tasks *shall* be fully consistent with training programs and
18 guidelines developed by the American Diabetes Association.

19 **§ 9A302. Administration of Medications by School Employees.**

20 (a) The Superintendent *shall* have at least one (1) school employee at each
21 school who has met the requirements of § 9A202 on duty during the entire school
22 day, including any afterschool programs, to administer or assist with the
23 administration of the following medications:

24 (1) inhaled bronchodilator to a student with asthma as noted in the
25 health care practitioner's written statement under Subsection (c)(2) of this
26 Section;

1 (2) epinephrine auto-injector to a student with asthma or a
2 documented life-threatening allergy who is experiencing anaphylaxis or other
3 conditions noted in the health care practitioner’s written statement under
4 Subsection (c)(2) of this Section;

5 (3) glucagon subcutaneously to a student with diabetes who is
6 experiencing hypoglycemia or other conditions noted in the health care
7 practitioner’s written statement under Subsection (c)(2) of this Section;

8 (4) insulin subcutaneously to a student, through the insulin delivery
9 method used by the student and at the times and under the conditions noted in
10 the health care practitioner’s written statement under Subsection (c)(2) of this
11 Section; and

12 (5) a seizure rescue medication approved by the United States Food
13 and Drug Administration and any successor agency to a student with a seizure
14 disorder who is experiencing a seizure or other condition noted in the health
15 care practitioner’s written statement under Subsection (c)(2) of this Section.

16 (b) Training. For those assigned the duties under Subsection (a) of this
17 Section, training provided under § 9A202(a)(3) or (4) *shall* include instruction in
18 administering the medications described under Subsection (a) of this Section, as well
19 as recognition of the signs and symptoms of the conditions associated with those
20 medications and the appropriate steps to be taken to respond to the symptoms of
21 asthma, anaphylaxis, hypoglycemia and hyperglycemia, and seizures.

22 (c) Required Written Statements. Prior to administering or assisting with
23 the administration of any of the medications listed under Subsection (a) of this
24 Section to a student by a school employee qualified under § 9A202(a), the student’s
25 parent or guardian *shall*:

26 (1) provide the school with a written authorization for the school
27 employee to administer the medication at school;

1 (2) provide a written statement from the student's health care
2 practitioner that the student has a condition requiring prescribed medication.

3 The statement *shall* also contain the following information:

4 (A) the name and purpose of the medication;

5 (B) the prescribed dosage;

6 (C) the route of administration;

7 (D) the frequency or precise times in which the medication
8 may be administered;

9 (E) the circumstances under which the medication may be
10 administered; and

11 (F) the length of time for which the medications are
12 prescribed; and

13 (3) provide the prescribed medication to the school in its unopened,
14 sealed package with the label affixed by the dispensing pharmacy intact.

15 (d) The statements required in Subsection (c) of this Section *shall* be kept
16 on file in the office of the school nurse or school administrator.

17 (e) Limitation on Liability.

18 (1) Disclosure. The Superintendent *shall* inform the parent or
19 guardian of the student that the government of Guam, the school, and its
20 employees and agents shall incur no liability, except as provided in this
21 Chapter, as a result of any injury sustained by the student resulting from acts
22 or omissions related to the administration or the assistance in administration
23 of any medication listed under Subsection (a) of this Section or from any
24 reaction to any of the medications listed under Subsection (a) of this Section
25 that a parent or guardian has authorized the school to administer to a student,
26 unless the injury is the result of gross negligence, willful or criminal

1 misconduct, or a conscious, flagrant indifference to the rights or safety of the
2 individual harmed on behalf of the school or its employees or agents.

3 (2) Acknowledgment. The parent or guardian of the student *shall*
4 sign a written statement acknowledging that the government of Guam and the
5 school shall incur no liability, except as provided in this Chapter, and the
6 parent or guardian *shall* indemnify and hold harmless the government of
7 Guam, the school, and its employees and agents against any claims made for
8 any injury sustained by the student resulting from acts or omissions related to
9 the administration or the assistance in administration of any of the medications
10 listed under Subsection (a) of this Section or from any reaction to any of the
11 medications listed under Subsection (a) of this Section that a parent or
12 guardian has authorized the school to administer to a student, unless the injury
13 is the result of gross negligence, willful or criminal misconduct, or a
14 conscious, flagrant indifference to the rights or safety of the individual harmed
15 on behalf of the school or its employees or agents.

16 (f) Renewal. Permission for the administration of any of the medications
17 listed under Subsection (a) of this Section *shall* be effective for the school year in
18 which it is granted, and *shall* be renewed each following school year.

19 (g) Expiration Dates. The school nurse or school administrator *shall* check
20 the expiration date monthly for each medication listed under Subsection (a) of this
21 Section that is in the possession of the school. At least one (1) month prior to the
22 expiration date of each medication, the school nurse or school administrator *shall*
23 inform the parent or guardian of the expiration date.

24 (h) The requirements of Subsections (a) to (g) of this Section *shall* apply
25 only to a school that has, only to the extent that it has, a student enrolled who has a
26 condition requiring the prescribed medication listed under Subsection (a) of this
27 Section prescribed by the student's health care practitioner.

1 (i) Nothing in this Section shall be construed to require a school employee
2 to consent to administer medications to a student if the employee does not otherwise
3 consent to provide the health service under § 9A202(a).

4 (j) Notwithstanding any other provision of law to the contrary:

5 (1) the administration of any one or more of the medications listed
6 under Subsection (a) of this Section by school employees *shall not* constitute
7 the practice of nursing and *shall* be exempt from all applicable statutory and
8 regulatory provisions that restrict the activities that may be delegated to or
9 performed by a person who is not a licensed health care practitioner; and

10 (2) a licensed health care practitioner may provide training to or
11 supervise school employees in the administration of any one or more of the
12 medications listed under Subsection (a) of this Section.

13 ARTICLE 4

14 SPECIFIC CONDITIONS

15 § 9A401. Life-threatening Allergies.

16 **§ 9A401. Life-threatening Allergies.**

17 (a) A student who has a documented life-threatening allergy *shall* have:

18 (1) an epinephrine auto-injector provided by his or her parent or
19 guardian in his or her possession or in the possession of the school nurse,
20 school administrator, or his or her designee, in all school environments that
21 the student may be in, including, but not limited to, the classroom, the
22 cafeteria, the school bus, and on field trips; and

23 (2) a written individual health care plan in place for the prevention
24 and proactive management for the student in all school environments that the
25 student may be in, including, but not limited to, the classroom, the cafeteria,
26 the school bus, and on field trips. The individual health care plan required
27 under this paragraph may be incorporated in the student's individualized

1 education program required under Public Law 94-142, or the student's 504
2 plan required under Public Law 93-112.

3 (b) Each school is encouraged to keep an epinephrine auto-injector in a
4 minimum of two (2) locations in the school, including, but not limited to, the school
5 office and the school cafeteria, so that epinephrine may be administered to any
6 student believed to be having a life-threatening allergic or anaphylactic reaction.
7 Schools electing to keep epinephrine auto-injectors *shall* maintain them in a secure,
8 accessible, but unlocked location. The provisions of this Subsection *shall* apply to
9 the extent that the epinephrine auto-injectors are donated to a school, or a school has
10 sufficient funding to purchase the epinephrine auto-injectors.

11 (c) Policies and Procedures. Each school electing to keep epinephrine auto-
12 injectors *shall* implement policies and procedures for managing a student's life-
13 threatening allergic or anaphylactic reaction developed and approved by the Guam
14 Education Board.

15 ARTICLE 5

16 RIGHTS OF STUDENT AND PARENTS

17 § 9A501. Right of Equal Access.

18 § 9A502. Prohibition on Parental Requirements.

19 **§ 9A501. Right of Equal Access.**

20 The Superintendent *shall* permit a student who has a condition requiring
21 prescribed medication to attend the same school the student would attend if the
22 student did not have the condition. Such a student may only be transferred to a
23 different school based on health care needs if the individualized education program
24 team, the Section 504 team, or, if appropriate, the student's health services team,
25 makes the determination that the student's health condition requires that the
26 student's care be provided by a licensed health care practitioner at a different school.
27 For the purpose of this determination, the teams *shall* include the parent or guardian.

1 The parent or guardian may invite the student’s treating physician to the team
2 meeting and the team *shall* consider the physician’s input, whether in person or in
3 written form, when making this determination. This determination *shall* be based on
4 individualized factors related to the student’s health conditions. The Superintendent
5 *shall not* prohibit a student who has a condition requiring prescribed medication
6 from attending any school on the sole basis that:

- 7 (a) the student has a condition requiring prescribed medication;
- 8 (b) the school does not have a full-time school nurse; or
- 9 (c) the school does not have school employees who are trained in
10 accordance with § 9A202 and assigned to provide care.

11 **§ 9A502. Prohibition on Parental Requirements.**

12 Parents or guardians of a student who has a condition requiring prescribed
13 medication *shall not* be required or pressured to provide care for the student during
14 regular school hours or during school-related activities in which the student is a
15 participant. For the purposes of this Section, a participant is not a student who merely
16 observes the school-related activity.”