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# A BILL FOR AN ACT

RELATING TO MEDICATION ADMINISTRATION IN SCHOOLS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that students with  
2 disabilities who require prescribed medications during school  
3 hours depend on medical support to attend school regularly and  
4 participate fully in educational activities. School staff play  
5 a critical role in ensuring these students receive necessary  
6 treatments as part of the comprehensive support services  
7 required under federal and state law. However, public school  
8 personnel acting in good faith and in the interest of the State  
9 to support these students may be exposed to personal liability  
10 when administering medications.

11           Accordingly, the purpose of this Act is to establish clear  
12 liability protections for school personnel who provide  
13 medications in accordance with proper protocols, consent, and  
14 medical authorization, thereby strengthening the existing legal  
15 framework that supports the attendance, access, and ultimate  
16 educational success of students with disabilities receiving  
17 health-related services.



1 SECTION 2. Section 302A-853, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§302A-853 Administration of medication.** (a) School  
4 health assistants, and public school employees and agents  
5 trained by a health care professional employed or contracted by  
6 the department, may assist students by administering oral,  
7 nasal, and topical medication, and in emergency situations,  
8 other premeasured medication; provided that:

9 (1) If the student receiving the medication is a minor, a  
10 parent or guardian requests and authorizes the  
11 administration of medication;

12 (2) The medication has been prescribed by a physician or  
13 physician assistant licensed pursuant to chapter 453,  
14 an advanced practice registered nurse with  
15 prescriptive authority licensed pursuant to chapter  
16 457, or by another licensed health care practitioner  
17 with prescriptive authority;

18 (3) The administration of the medication is with the  
19 approval of a health care professional within the  
20 department, department of health, or health care



1 service as defined in section 323D-2 pursuant to a  
2 written agreement with the department; and

3 (4) The administration of the medication is necessary for  
4 the health of the student and for the student's  
5 attendance at school.

6 (b) The department and its employees and agents who act in  
7 accordance with the requirements of this section shall be immune  
8 from any civil or criminal liability arising from these acts,  
9 except where the person's conduct would constitute gross  
10 negligence, wilful and wanton misconduct, or intentional  
11 misconduct.

12 [~~(b)~~] (c) For purposes of this section, "health care  
13 professional" means a physician, surgeon, and other professional  
14 licensed pursuant to chapter 453, or nurse licensed pursuant to  
15 chapter 457."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Michelle A. Stelari



# S.B. NO. 2612

**Report Title:**

DOE; Medication Administration; School Health Assistants; Public School Employees and Agents; Immunity; Civil or Criminal Liability

**Description:**

Clarifies that the Department of Education and its employees and agents shall be immune from any civil or criminal liability arising from assisting students with the administration of medication under certain circumstances.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

