

North Dakota Law

Student Possession and Self-Administration of Emergency Asthma and Anaphylaxis Medications

A website and training was developed to assist parents, school personnel and providers with implementation of the following law. You will find a short training regarding treatment of asthma according to National Institute of Health (NIH) Guidelines as well as information on anaphylaxis. Web fillable and print ready copies of the ND Asthma Action Plan and the ND Anaphylaxis Action Plan are accessible on this site. The forms, filled out in their entirety, will assist parents, school personnel and medical providers meet the requirements of the law.

From North Dakota Century Code section 15.1-19-16:

15.1-19-16. Asthma - Anaphylaxis Self-administration of medication by student - Liability.

1. A student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent files with the school a document that is signed by the student's health care provider and which:
 - a. Indicates that the student has been instructed in the self-administration of emergency medication for the treatment of asthma or anaphylaxis;
 - b. Lists the name, dosage, and frequency of all medication prescribed to the student for use in the treatment of the student's asthma or anaphylaxis; and
 - c. Includes guidelines for the treatment of the student in the case of an asthmatic episode or anaphylaxis.
2. Neither a private school or a school district nor any employee of the private school or district is liable for civil damages incurred by:
 - a. A student who administers emergency medication to himself or herself in accordance with subsection 1.
 - b. An individual because a student was permitted to possess emergency medication in accordance with subsection 1.
3. For purposes of this section, "emergency medication" includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and an epinephrine autoinjectable pen.

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