

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 575

01/31/2019 Authored by Huot, Haley, Erickson, Morrison and Davnie
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for disposal of unclaimed drugs or medications
1.3 in schools; amending Minnesota Statutes 2018, section 121A.22, subdivision 1,
1.4 by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 121A.22, subdivision 1, is amended to read:

1.7 Subdivision 1. Applicability. (a) This section applies only:

1.8 (1) when the parent of a pupil requests school personnel to administer drugs or medicine
1.9 to the pupil; or

1.10 (2) when administration is allowed by the individualized education program of a child
1.11 with a disability.

1.12 The request of a parent may be oral or in writing. An oral request must be reduced to
1.13 writing within two school days, provided that the district may rely on an oral request until
1.14 a written request is received.

1.15 (b) If the administration of a drug or medication described in paragraph (a) requires the
1.16 school to store the drugs or medication, the parent or legal guardian must inform the school
1.17 if the drug or medication is a controlled substance. For drugs or medications that are not
1.18 controlled substances, the request must include a provision designating the school district
1.19 as an authorized entity to transport the drug or medication for the purpose of destruction if
1.20 any unused drug or medication is left in the possession of school personnel. For drugs or
1.21 medications that are controlled substances, the request must specify that the parent or legal
1.22 guardian is required to retrieve the drug when requested by the school.

2.1 Sec. 2. Minnesota Statutes 2018, section 121A.22, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a  
2.4 procedure for the collection and transport of any unclaimed or abandoned prescription drugs  
2.5 or over-the-counter medications left in the possession of school personnel in accordance  
2.6 with this subdivision. The procedure must ensure that before the transportation of any  
2.7 prescription drug under this subdivision, the school district shall make a reasonable attempt  
2.8 to return the unused prescription drug to the student's parent or legal guardian. The procedure  
2.9 must provide that transportation of unclaimed or unused prescription drugs or  
2.10 over-the-counter medications occur at least annually, or more frequently as determined by  
2.11 the school district.

2.12 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as  
2.13 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school  
2.14 district may designate an individual who shall be responsible for transporting the drugs or  
2.15 medications to a designated drop-off box or collection site or may request that a law  
2.16 enforcement agency transport the drugs or medications to a drop-off box or collection site  
2.17 on behalf of the school district.

2.18 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined  
2.19 in section 152.01, subdivision 4, a school district or school personnel is prohibited from  
2.20 transporting the prescription drug to a drop-off box or collection site for prescription drugs  
2.21 identified under this paragraph. The school district must request that a law enforcement  
2.22 agency transport the prescription drug or medication to a collection bin that complies with  
2.23 Drug Enforcement Agency regulations, or if a site is not available, under the agency's  
2.24 procedure for transporting drugs.